FEDERAL REGISTER

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Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Defense Department
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Power Commission
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Food and Drug Administration
Indian Affairs Bureau
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Interstate Commerce Commission
Packers and Stockyards Administration
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Small Business Administration
State Department
Veterans Administration

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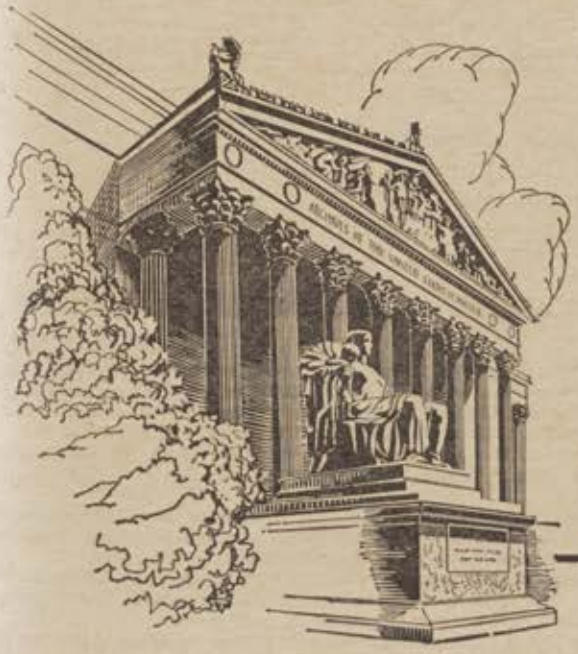

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3918

CAPTIVE NATIONS WEEK, 1969

By the President of the United States of America

A Proclamation

By Joint Resolution on July 17, 1959, the Eighty-Sixth Congress authorized and requested the designation of the third week of July as Captive Nations Week. Ten years have passed and there have been many changes in international affairs. But one thing that has not changed is the desire for national independence in Eastern Europe.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 13, 1969, as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to renew their devotion to the high ideals on which our nation was founded and has prospered and to sustain with understanding and sympathy the just aspirations of the peoples of all nations for independence and human freedom.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of July in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 69-8513; Filed, July 15, 1969; 4:49 p.m.]

Rules and Regulations

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

RATES; EDUCATIONAL ASSISTANCE ALLOWANCE

Correction

In F.R. Doc. 69-8211, appearing at page 11551 in the issue for Saturday, July 12, 1969, make the following changes:

1. In the table for § 21.4136(a), under "Monthly rate", in the column headed "Additional for each additional dependent", insert the figure "3" opposite the entry "Farm cooperative: ½ time".

2. The year "1969" in the effective date paragraph should read "1966".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that the termination date of the Schedule A exception covering positions in grade GS-15 and below on the staff of the National Commission on the Causes and Prevention of Violence is extended from July 31, 1969, to December 31, 1969. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3199 is amended as set out below.

§ 213.3199 **Temporary Boards and Commissions.**

* * * * *

(b) *National Commission on the Causes and Preventions of Violence.* (1) Until December 31, 1969, positions at GS-15 and below.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8438; Filed, July 16, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 17—SALE OF AGRICULTURAL COMMODITIES MADE AVAILABLE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

Subpart A—Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

CONTRACTS BETWEEN SUPPLIERS AND IMPORTERS

Section 17.6 of the Regulations Governing the Financing of Commercial Sales of Agricultural Commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, 31 F.R. 16818, as amended, is hereby amended by changing paragraph (b)(1) to read as follows:

§ 17.6 **Contracts between suppliers and importers.**

* * * * *

(b) *Invitation to bid.* (1) Importers may make purchases through negotiation with a supplier or suppliers of the importer's choice or on the basis of invitations (tenders) to submit competitive offers unless the General Sales Manager, specifies in the purchase authorization that purchases must be made on the basis of invitations to submit competitive offers. Such invitations shall not limit the right to submit offers to any specified group or class of suppliers but shall permit submission of offers by any supplier who meets the requirements of this section.

* * * * *

(Sec. 102, 68 Stat. 454, as amended; 7 U.S.C. 1702)

Effective date. This amendment shall become effective with respect to purchase authorizations issued on or after the date of publication of the amendment in the FEDERAL REGISTER.

Issued at Washington, D.C., this July 12, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-8418; Filed, July 16, 1969; 8:47 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Pursuant to section 25 of the Poultry Products Inspection Act, as amended (21 U.S.C., and Supp. IV sec. 468), the regulations under said Act (7 CFR Part 81) are hereby amended to change the provisions therein relating to fees for overtime and holiday work to increase the fees due to increased cost of providing such services resulting from the Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206).

Secs. 81.170, 81.171, and 81.172 of said regulations are hereby amended by deleting the figure "$7.40" and substituting in lieu thereof "$8.00".

The Poultry Products Inspection Act, as amended, and the regulations promulgated thereunder require the cost of overtime and holiday inspection service to be paid for by the applicant or user of the service. It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the service must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective July 13, 1969, with respect to Federal poultry products inspection services rendered on and after that date.

Done at Washington, D.C. on July 11, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-8413; Filed, July 16, 1969; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 285]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.585 Valencia Orange Regulation 285.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effectve date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 15, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 18, 1969, through July 24, 1969, are hereby fixed as follows:

(i) District 1: 192,000 cartons;
(ii) District 2: 292,000 cartons;
(iii) District 3: 66,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–8516; Filed, July 16, 1969; 11:17 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

MISCELLANEOUS AMENDMENTS

Pursuant to the statutory authorities cited below, the provisions of the regulations in 9 CFR Parts 307, 340 and 355 relating to fees for overtime (including holiday) meat inspection and certain voluntary services are hereby amended to increase the fees due to increased cost of providing such services resulting from the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206).

Section 307.4 is amended to read as follows:

§ 307.4 Overtime work of meat inspection employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Program on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $8 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(Sec. 21, 34 Stat. 1264, as amended, 81 Stat. 584; 21 U.S.C. 621; 41 Stat. 241, 7 U.S.C. 394)

Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $7.40 per hour for base time, $8 per hour for overtime including Saturdays, Sundays, and holidays, and $8.80 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative work week.

* * * * *

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $7.40 per hour for base time, $8 per hour for overtime including Saturdays, Sundays, and holidays, and $8.80 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the services, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective July 13, 1969, with respect to all inspection services rendered on and after that date under the cited regulations.

Done at Washington, D.C. on July 11, 1969.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 69–8414; Filed, July 16, 1969; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. A new § 1.331 is added, and in § 1.701–1(a)(2), the introductory text and subdivisions (i), (iv), and (v) are revised, as follows:

§ 1.331 Management control systems.

(a) A management control system is an orderly way, generally including a documented procedure, of assisting managers in defining or stating policy, objectives, and requirements; assigning responsibility; achieving efficient and effective utilization of resources; periodically measuring performance; comparing that performance against stated objectives and requirements; and taking appropriate action. Contractually imposed management control systems require the contractor to submit management reports and/or specify management procedures. To avoid duplication and proliferation, only those management control systems which are essential to the fulfillment of DoD and contractor responsibilities shall be made a contractual requirement.

(b) The responsibility for determining management control systems requirements and for completion of the DD Form 1660 is vested in the project officer, program manager, commodity manager, or other requiring office. Procedures for review of the DD Form 1660 by the contracting officer are specified in § 16.827–3 of this chapter.

(c) Although the judicious application of management control systems on all contracts regardless of size is important, use of the DD Form 1660 is only required on those contracts exceeding $1 million.

(d) Pursuant to the above, appropriate management control systems shall be contractually applied only if they:

(1) Are required by a standard ASPR clause, or

(2) Are listed in DoD Manual 7000.6 M, Management Control Systems List; or

(3) Are specifically approved by the Office of the Assistant Secretary of Defense (Comptroller) or of the Secretary of the Department concerned.

(e) Approved management control systems, except those specified in this Regulation, shall be listed on a Management Control Systems Summary List, DD Form 1660 (see F–200.1660). An approved DD Form 1660 and the contract clause titled "Management Control Systems Requirement" (see § 7.104–50 of this chapter) shall be included in all contracts when applicable.

(f) The DD Form 1660 procedures help to achieve the following objectives with respect to the management of programs and the acquisition of management data:

(1) Management control systems selected for use in managing the contract/program should be limited to those that are essential to the fulfillment of the responsibilities of the Department of Defense and contractor.

(2) More than one management control system satisfying the same requirement should not be specified on a single contract.

(3) The management data requirements in a contract should be formally approved, should not exceed the needs of the planned program management approach, and should be specifically identified on an individual item basis.

(g) Instructions for the preparation, review and use of DD Form 1660 are in § 16.827 of this chapter.

§ 1.701–1 Small business concern.

(a) * * *

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this subpart, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year. If a concern has 50 percent or more of its annual sales or receipts attributable to business activity within Alaska, then whenever the size criterion of "annual sales or annual receipts" is used in any size definition contained in this subpart, the stated dollar limitation for the purpose of qualifying as a small business concern shall be increased by 25 percent of the indicated amount.

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million.

* * * * *

(iv) *Service industries.* (a) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed $1 million.

(b) Any concern bidding on a contract for engineering services (other than marine engineering services), motion picture production, or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(c) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $6 million.

(d) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(e) Any concern bidding on a contract for base maintenance[1] is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(f) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding 3 years.

(v) *Transportation industries—(a) General.* Except as provided in (b) and (c) below, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking (local and long distance), warehousing, packing, and crating, and/or freight forwarding.* For trucking (local and long distance), warehousing, packing, and crating, and/or freight forwarding, the annual receipts of the concern and its affiliates must not exceed $3 million. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line if the concern's annual receipts have not exceeded $3 million during its most recently completed fiscal year.

* * * * *

§ 1.801–1 [Amended]

2. In § 1.801–1(a), near the end of the paragraph, the words "30 percent" are changed to read "25 percent".

3. In § 1.805.3(b), the clause heading and clause paragraph (b) are revised, as follows:

---

[1] Base Maintenance means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands or the District of Columbia three or more of the following services: Janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

§ 3.805–3 Required clauses.

* * * * *

(b) * * *

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (JANUARY 1969)

* * * * *

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it (i) in or near "Sections of concentrated unemployment or "underemployment" as a certified-eligible concern, (ii) in "Areas of Persistent Labor Surplus" or (iii) in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A certified-eligible concern shall be deemed to perform a substantial proportion of a contract in or near sections of concentrated unemployment or underemployment if the costs that the concern will incur on account of manufacturing or production in or near such sections (by itself if a certified concern, or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the price of such contracts; a concern shall be deemed to perform a substantial proportion of a contract in a persistent or substantial labor surplus area if the costs that the concern will incur on account of manufacturing or production (by itself or its first-tier subcontractors) in such area amount to more than 50 percent of the price of such contract.

* * * * *

PART 2—PROCUREMENT BY FORMAL ADVERTISING

4. In § 2.201(a), subparagraph (35) is revised and new subparagraph (45) is added, as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(35) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However, the bidder's status as such a concern may affect entitlement to award in case of tie bids or of bid evaluation in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined if those circumstances should apply the bidder must:

(i) Furnish with his bid evidence that he or his first-tier subcontractor is a certified concern in accordance with 29 CFR 8.7(b), and identify below the address in or near a "section of concentrated unemployment or underemployment," as classified by the Secretary of Labor, at which the costs he will incur on account of manufacturing or production (by himself if a certified concern or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price; or

(ii) Identify below the persistent or substantial labor surplus area in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price.

Failure to furnish evidence of certification by the Secretary of Labor if applicable, and to identify the locations as specified above will preclude consideration of the bidder as a labor surplus area concern. Bidder agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails. (JUNE 1968)

* * * * *

(45) DD Form 1660, Management Control Systems Summary List (see § 16.827–4 of this chapter).

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

5. The introductory text of § 3.101 is revised; and in § 3.501(b), subparagraphs (39) and (72) are revised, and new subparagraph (78) is added, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

Except as provided by § 3.805–1(c), whenever supplies or services are to be procured by negotiation (see Subparts A and B, Part 16 of this chapter), price quotations, supported by statements and analyses of estimated costs or other evidence of reasonable prices and other vital matters deemed necessary by the contracting officer (see § 3.807), shall be solicited from the maximum number of qualified sources of supplies or services consistent with the nature of and requirements for the supplies or services to be procured, in accordance with the basic policies set forth in Subpart C, Part 1 of this chapter (for research and development, see § 4.106 of this chapter), to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. Unless award without written or oral discussion is permitted under § 3.805–1(a), negotiation shall thereupon be conducted, by contracting officers and their negotiators, with due attention being given to the following and any other appropriate factors:

* * * * *

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(39) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However the offeror's status as such a concern may affect entitlement to award in case of tie offers, or of offer evaluation in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined if those circumstances should apply, the offeror must:

(i) Furnish with his offer evidence that he or his first-tier subcontractor is a certified concern in accordance with 29 CFR 8.7(b), and identify below the address in or near a "section of concentrated unemployment or underemployment," as classified by the Secretary of Labor, at which the costs he will incur on account of manufacturing or production (by himself if a certified concern or by certified concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price; or

(ii) Identify below the persistent or substantial labor surplus area in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price.

Failure to furnish evidence of certification by the Secretary of Labor if applicable, and to identify the locations as specified above will preclude consideration of the offeror as a labor surplus area concern. Offeror agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails. (JUNE 1968)

* * * * *

(72) If it is expected that the procurement will result in a fixed price contract not in excess of $100,000 for which cost or pricing data will not be obtained, the price representation provided in § 3.604–3(d) shall be set forth in a prominent place in the schedule except when adequate price competition as defined in § 3.807–1(b)(1) is anticipated;

* * * * *

(78) DD Form 1660, Management Control Systems Summary List (see § 16.827–4 of this chapter).

* * * * *

6. In § 3.805–1, a new sentence is added to paragraph (a), and paragraph (c) is revised; and in § 3.809(c)(1), subdivision (i) is revised, as follows:

§ 3.805–1 General.

(a) * * *

No proposal from a responsible source offering an acceptable technical proposal shall be rejected for failure to fall within a competitive range unless such proposal includes a price proposal. (The procurement of architect-engineer services is governed by Subpart D, Part 18 of this chapter.)

* * * * *

(c) Except when cost-reimbursement type contracts are to be used (see § 3.805–2), solicitations may provide for two-step negotiation. After receipt of initial unpriced technical proposals, such proposals will be evaluated to determine those which are acceptable to the Government or which, after discussion, can be made acceptable. After necessary discussions are completed, prices will thereafter be solicited for all acceptable proposals and no award may be made until such prices have been received. Solicitations may also include a notification of the possibility that award may be made upon submission of prices without further discussion of proposals received and therefore the best possible price should be submitted initially (see paragraph (a)(5) of this section). Unless such notification is included in the solicitation, discussions shall be conducted as provided in the introductory part of paragraph (a) of this section.

* * * * *

§ 3.809 Contract audit as a pricing aid.

* * * * *

(c) *Additional functions of the contract auditor.* (1) * * *

(i) The contract auditor is the authorized representative of the contracting officer for the purpose of examining reimbursement vouchers received directly

from contractors, transmitting those vouchers approved for provisional payment to the cognizant disbursing officer and issuing DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved," with a copy to the cognizant ACO, with respect to costs claimed but not considered allowable. In the case of costs suspended, if the contractor disagrees with the suspension action by the contract auditor and the difference cannot be resolved, the contractor may appeal in writing to the cognizant ACO, who will make his determination promptly in writing. In the case of costs disapproved, the DCAA Form 1 shall include the following statement:

As to any disapproved costs identified herein, this notice constitutes a final decision of the Contracting Officer, effective 60 days after the date of its receipt by the Contractor, unless the Contractor mails or furnishes to the cognizant Administrative Contracting Officer a written appeal before the expiration of such 60-day period. If this notice becomes a final decision of the Contracting Officer by virtue of expiration of the 60-day period, it may be appealed in accordance with the provisions of the "Disputes" clause of the contract identified above. If the Contractor decides to make such an appeal, written notice thereof (in triplicate) must be mailed or otherwise furnished to the Contracting Officer within 30 days from the date this decision becomes effective. Such notice should indicate that an appeal is intended and should reference this decision and identify the contract by number. The Armed Services Board of Contract Appeals is the authorized representative of the Secretary for hearing and determining such disputes. The rules of the Armed Services Board of Contract Appeals are set forth in the Armed Services Procurement Regulation, Appendix A, Part 2.

If the contractor appeals in writing to the ACO from a disallowance action by the contract auditor within the 60-day period mentioned above, the ACO will make his determination in writing, as promptly as practicable, as a final decision of the contracting officer (see § 1.314 of this chapter re decisions under the Disputes clause) and mail or otherwise furnish a copy to the contractor. In those instances where the ACO does not sustain the contract auditor's disallowance, the ACO shall document the contract file to set forth the specific reasons why reinstatement of the disallowed cost was considered appropriate. A copy shall be furnished to the contract auditor. In addition, the contracting officer may direct the issuance of DCAA Form 1, "Notice of Contract Costs Suspended and/or Disapproved," with respect to any cost that he has reason to believe should be suspended or disapproved. The contract auditor will approve fee portions of vouchers for provisional payment in accordance with the contract schedule and any instructions received from the administrative contracting officer. Completion vouchers shall be forwarded to the ACO for approval and transmittal to the cognizant disbursing officer.

* * * * *

PART 7—CONTRACT CLAUSES

7. Sections 7.104–15 and 7.104–41 are revised; new § 7.104–50 is added; and § 7.203–7 is revised, as follows:

§ 7.104–15 Examination of records.

Pursuant to 10 U.S.C. 2313(b), the following clause will be inserted in all negotiated fixed-price supply contracts in excess of $2,500, including contracts awarded under a total (Small Business Restricted Advertising) or partial set-aside, except as provided in §§ 6.704 and 6.1001 of this chapter.

EXAMINATION OF RECORDS (APRIL 1969)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract" as used in the clause excludes: (i) Purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

When Standard Form 32 is used, the form need not be changed to delete the parenthetical sentence preceding paragraph (a) of the clause. (For services contracts, see § 3.113 of this chapter.)

§ 7.104–41 Audit and records.

(a) Insert the following clause only in firm fixed-price and fixed-price with escalation negotiated contracts which when entered into exceed $100,000 except where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In addition, the contracting officer shall include this clause with appropriate reduction in the dollar amounts provided therein, in firm fixed-price and fixed-price with escalation negotiated contracts, not exceeding $100,000, for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with § 3.807–3(a)(2) of this chapter in connection with the initial pricing of the contract.

AUDIT (APRIL 1969)

(a) For purposes of verifying that certified cost of pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contractor, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The Contractor agrees to insert this clause including this paragraph (b) in all subcontracts hereunder which when entered into exceed $100,000, so as to apply until the expiration of 3 years from the date of final payment under the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that, in the case of any contract change or modification, such change or modification results from a change or other modification to the Government prime contract." In each such excepted subcontract hereunder which when entered into exceeds $100,000, the Contractor shall insert the following clause to apply until the expiration of 3 years from the date of final payment under the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract results from a change or other modification to the Government prime contract.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or modification were accurate, complete, and current, the Contracting Officer of the Government prime contract or his authorized representative shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Subcontractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000, so as to apply until the expiration of 3 years from the date of final payment of the subcontract or for the time

periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(b) Insert the following clause in formally advertised contracts which are expected to exceed $100,000 when entered into; and in firm fixed-price and fixed-price with escalation negotiated contracts which when entered into exceed $100,000 when the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In negotiated contracts, delete from paragraph (b) of the clause the words "the Comptroller General of the United States".

AUDIT—PRICE ADJUSTMENTS (APRIL 1969)

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000, unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification were accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representative, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000 so as to apply until the expiration of 3 years from the date of final payment under the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that the change or other modification to the subcontract results from a change or other modification to the Government prime contract."

(c) Insert the following clause in any negotiated contract which is not firm fixed-price or fixed-price with escalation.

AUDIT AND RECORDS (APRIL 1969)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative. In addition, for purposes of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, were accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor shall preserve and make available his records (i) until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Contracting Officer or his duly authorized representative, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) (1) The Contractor shall insert this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the Contractor; to add "of the Government prime contract" after "Contracting Officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

(2) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds $100,000, except those subcontracts covered by subparagraph (3) below.

AUDIT—

(a) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The subcontractor agrees to insert this clause including this paragraph (b) in all subcontracts hereunder which when entered into exceed $100,000 unless the price is based on adequate price competition, established catalog or market prices of commerical items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds $100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract, which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract must result from a change or other modification to the Government prime contract.

(b) For purposes of verifying that any certified cost or pricing data submitted in conjunction with a contract change or other modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall—until the expiration of 3 years from the date of final payment under this contract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier—have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert this clause including this paragraph (c) in all subcontracts hereunder which when entered into exceed $100,000 so as to apply until the expiration of 3 years from the date of final payment of the subcontract or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

In cost-reimbursement type contracts that have separate periods of performance and that are to include, in the Examination of Records clause prescribed by § 7.203–7, the alternate subparagraph (a)(4) which is set forth in § 7.203–7(b), the clause set forth above in this paragraph shall be modified by adding the following to paragraph (c) thereof:

Notwithstanding the foregoing, the Contractor's obligation to preserve and make available his records shall not extend beyond the period of his like obligation under the "Examination of Records" clause of this contract.

Such contracts may be administered as indicated in § 7.203–7(b).

(d) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this section may be waived for contracts with foreign governments or agencies thereof under circumstances where the requirement for the clauses in §§ 7.104–29 and 7.104–42 may be waived.

(e) The following clause shall be inserted only in those firm fixed-price contracts on which Cost Information Reports are to be submitted.

AUDIT—COST INFORMATION REPORTS (SEPTEMBER 1968)

(a) The Contracting Officer or his authorized representative shall, until the expiration of 3 years from the date of final payment under this contract, have the right to examine policies, procedures, books, records, and documents of the Contractor in order to (i) evaluate the effectiveness of these policies and procedures for producing Cost Information Reports data, and (ii) selectively test the data contained in Cost Information Reports.

(b) The Contractor shall insert the substance of this clause, except this paragraph, in any subcontract hereunder calling for the furnishing of Cost Information Reports.

§ 7.104–50 Management control systems.

In accordance with § 1.331(e) of this chapter, insert the following clause.

MANAGEMENT CONTROL SYSTEMS REQUIREMENTS (MAY 1969)

The Contractor shall utilize the management control systems listed on the DD Form 1660, Management Control Systems Summary List, attached hereto and made a part hereof. Compliance with this clause shall not relieve the Contractor from complying with any other provision of this contract.

§ 7.203–7 Examination of records.

(a) Except as provided in paragraph (b) of this section, and in § 6.704 of this chapter, insert the following clause.

EXAMINATION OF RECORDS (APRIL 1969)

(a) (1) The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any books, documents, papers, or records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within 2 years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of 3 years after final payment under this contract or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier; and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(B) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of 2 years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of 3 years after final payment under the subcontract, or of the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(b) In the case of contracts which establish separate periods of performance, the following alternate subparagraph (a)(4) may be substituted for the corresponding subparagraph of the clause prescribed by paragraph (a) of this section.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available his records (i) until expiration of 3 years from the date of payment of the voucher or invoice submitted by the Contractor after the completion of the work performed during any separate period of performance established by this contract or by any amendment or supplemental agreement, without regard to former or subsequent periods of performance, or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, and (ii) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (A) or (B) below.

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of 3 years from the date of any resulting final settlement or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier.

(B) Records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation of the settlement of claims arising out of the performance of this contract, or (iii) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of (APRIL 1969).

In the case of such contracts which do not contain the foregoing alternate subparagraph (a)(4), that subparagraph may be inserted by amendment, or in the alternative, the retention of records may be administered in accordance with the procedures set forth in the foregoing alternate subparagraph (a)(4).

8. New §§ 7.204–19, 7.303–32, 7.403–32, 7.504–11, 7.605–41, 7.608–2, and 7.705–6 are added, as follows:

§ 7.204–19 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.303–32 Management control systems requirements.

In accordance with §16.827–1 of this chapter, insert the clause in § 7.104.50.

§ 7.403–32 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.504–11 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.605–41 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.608–2 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.705–6 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

9. The introductory text of § 7.705–22 is revised; new §§ 7.802–6 and 7.902–32 are added; and § 7.1002–21 is revised, as follows:

§ 7.705–22 Facilities equipment modernization.

Insert the following clause in any bilateral modification of an existing facilities contract, and in any new facilities contract, under which the Government provides modernized or replacement facilities.

* * * * *

§ 7.802–6 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.902–32 Management control systems requirements.

In accordance with § 16.827–1 of this chapter, insert the clause in § 7.104–50.

§ 7.1002–21 Records and accounts.

RECORDS AND ACCOUNTS (APRIL 1969)

The Contracting Officer shall have access to all accounting records applicable to this account and the method of accounting used by the Contractor shall be subject to the approval of the Contracting Officer, but no material change will be made in the Contractor's method if it conforms to good accounting practice and the costs are readily ascertainable therefrom. So far as it is practicable, the Contractor shall maintain a complete separate system of accounts under this contract and shall preserve until expiration of at least three (3) years after the expiration or termination of the contract or any extension thereof or for the time periods specified in Appendix M of the Armed Services Procurement Regulation, whichever expires earlier, all books, papers, or other accounting records, pertaining thereto. All information obtained from the Contractor's records pursuant to this clause shall be treated as confidential.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

10. New §§ 15.308, 15.308–1, and 15.308–2 are added; and a new Subpart H is added, as follows:

§ 15.308 Simplified method for small institutions.

§ 15.308–1 General.

(a) Where the total direct cost of all federally supported work under research and educational service agreements at an institution does not exceed $1 million in a fiscal year (excluding direct payments by the institution to participants under educational service agreements for stipends, support, and similar costs requiring little, if any, indirect cost support), the use of the abbreviated procedure described in § 15.308–2, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable both to federally supported research and educational service agreements.

(b) The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

§ 15.308–2 Abbreviated procedure.

(a) Establish the total amount of salaries and wages paid to all employees of the institution.

(b) Establish an overhead pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalent:

(1) General administration and general expense (exclusive of costs of student administration and services, student aid, student activities, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under subparagraphs (1) and (2) of this paragraph have previously been allocated to "other institutional activities," they may be included in the overhead pool. The total amount of salaries and wages included in the overhead pool must be separately identified.

(c) Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under paragraph (a) of this section the amount of salaries and wages included under paragraph (b) of this section.

(d) Establish the indirect cost rate, determined by dividing the amount in the overhead pool, paragraph (b) of this section, by the amount of the distribution base, paragraph (c) of this section.

(e) Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

Subpart H—Principles for Determining Costs Applicable to Training and Other Educational Services Under Grants and Contracts With Educational Institutions

Sec.

15.801 Purpose.
15.802 Application.
15.803 Terminology.
15.803–1 Educational service agreement.
15.803–2 Instruction.
15.804 Student administration and services.
15.804–1 Administration and services.
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15.806 Indirect costs of instruction activity.
15.807 Indirect costs applicable to educational service agreements.
15.808 Indirect cost rates for educational service agreements.
15.809 General standards for selected items of cost.
15.809–1 Commencement and convocation costs (§ 15.309–5).
15.809–2 Compensation for personal services (§ 15.309–7).
15.809–3 Scholarships and student aid costs (§ 15.309–35).
15.809–4 Student activity costs (§ 15.309–40).
15.809–5 Student service costs (§ 15.309–41).

AUTHORITY: The provisions of this Subpart H issued under secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314.

§ 15.801 Purpose.

This subpart extends the scope of Subpart C of this part to cover the determination of costs incurred by educational institutions under Federal grants and contracts for training and other educational services.

§ 15.802 Application.

All agencies of the Department of Defense will use Subpart C of this part, including this Subpart H, as a basis for determining allowable costs under grants and cost reimbursement type contracts with educational institutions for work performed under federally sponsored educational service agreements.

§ 15.803 Terminology.

The following definitions are to be used in determining the indirect cost of federally sponsored training and other educational services under this subpart.

§ 15.803–1 Educational service agreement.

This term means any grant or contract under which Federal financing is provided on a cost reimbursement basis for all or an agreed portion of the costs incurred for training or other educational services. Typical of the work covered by educational service agreements are summer institutes, special training programs for selected participants, professional or technical services to cooperating countries, the development and introduction of new or expanded courses, and similar instructional oriented undertakings, including special research training programs, that are separately budgeted and accounted for by the institution. The term does not extend to (a) grants or contracts for organized research, (b) arrangements under which the Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts such as a cost of education allowance or the normal published tuition rates and fees of an institution, or (c) construction, facility, and exclusively general resource or institutional type grants.

§ 15.803–2 Instruction.

This term means all of the academic work other than organized research carried on by an institution, including the teaching of graduate and undergraduate courses, departmental research (see § 15.302–2) and all special training or other instructional oriented projects sponsored by the Federal Government or others under educational service agreements.

§ 15.804 Student administration and services.

In addition to the five major functional categories of indirect costs described in § 15.306, there is established an additional category under the title "Student administration and services" to embrace the following:

§ 15.804–1 Administration and services.

The expenses in this category are those that have been incurred for the administration of student affairs and for services

to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments require the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to § 15.809–2. The student administration and services category also includes the staff benefits and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the cost of the operation and maintenance of the physical plant, and charges representing use allowance or depreciation applicable to the buildings and equipment utilized in the performance of the functions included in this category.

§ 15.804–2 Instruction activity.

The expenses in this category are generally applicable in their entirety to the instruction activity. They should be allocated to applicable cost objectives within the instruction activity, including educational service agreements, when such agreements reasonably benefit from these expenses. Such expenses should be allocated on the basis of population served (computed on the basis of full-time equivalents including students, faculty, and others as appropriate) or other methods which will result in an equitable distribution to cost objectives in relation to the benefits received and be consistent with guides provided in § 15.305–2.

§ 15.805 Direct costs of educational service agreements.

Direct costs of work performed under educational service agreements will be determined consistent with the principles set forth in § 15.304.

§ 15.806 Indirect costs of the instruction activity.

The indirect costs of the instruction activity as a whole should include its allocated share of administrative and supportive costs determined in accordance with the principles set forth in § 15.804 and in § 15.306. Such costs may include other items of indirect cost incurred solely for the instruction activity and not included in the general allocation of the various categories of indirect expenses.

§ 15.807 Indirect costs applicable to educational service agreements.

The individual items of indirect costs applicable to the instruction activity as a whole should be assigned to (a) educational service agreements, and (b) all other instructional work through use of appropriate cost groupings, selected distribution bases, and other reasonable methods as outlined in § 15.305–2. A single indirect pool may be used for all educational service agreements provided this results in a reasonably equitable distribution of costs among agreements in relation to indirect support services provided. However, when the level of indirect support significantly varies for work performed either on campus or off campus under a particular agreement or group of agreements, separate cost pools should be established consistent with the principles set forth in § 15.307–1(b). Where direct charges are provided for under educational service agreements for such things as commencement fees, student fees, and tuition, the related indirect costs, through separate cost groupings, should be excluded from the indirect costs allocable to the service agreements.

§ 15.808 Indirect cost rates for educational service agreements.

An indirect costs rate should be determined for the educational service agreement pool or pools, as established under § 15.807. The rate in each case should be stated as the percentage which the amount of the particular educational service agreement pool is of the total direct salaries and wages of all educational service agreements identified with such pool. Indirect costs should be distributed to individual agreements by applying the rate or rates established to direct salaries and wages for each agreement.

§ 15.809 General standards for selected items of cost.

The standards for selected items of cost as set forth in §15.309–1 through § 15.309–46 applicable to research agreements will also be applied to educational service agreements with the following modifications:

§ 15.809–1 Commencement and convocation costs (§ 15.309–5).

Expenses incurred for convocations and commencements apply to the instruction activity as a whole. Such expenses are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see § 15.804.

§ 15.809–2 Compensation for personal services (§ 15.309–7).

Charges to educational service agreements for personal services will be determined and supported consistent with the provisions of § 15.309–7, except that: (a) Charges for direct salaries and wages of the professional staff, including those in the professorial category, will be documented and supported consistent with the provisions of § 15.309–7 for nonprofessorial professional staff members (the provision for stipulated salary support will not be used for educational service agreements); and (b) charges may include compensation in excess of the base salary of a faculty member for the conduct of courses outside the regularly established work schedule of such member providing: (1) Extra charges are determined at a rate not greater than the basic salary rate of the member; (2) salary payments for such work follow practices consistently applied within the institution; and (3) specific authorization for such charges is included in the educational service agreement.

§ 15.809–3 Scholarships and student aid costs (§ 15.309–35).

Expenses incurred for scholarships and student aid are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

§ 15.809–4 Student activity costs (§ 15.309–40).

Expenses incurred for student activities are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

§ 15.809–5 Student services costs (§ 15.309–41).

Expenses incurred for student services are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see § 15.804.

PART 16—PROCUREMENT FORMS

11. New §§ 16.827, 16.827–1, 16.827–2, 16.827–3, and 16.827–4 are added, as follows:

§ 16.827 Management Control Systems Summary List (DD Form 1660).

§ 16.827–1 General.

A DD Form 1660 and the clause set forth in § 7.104–50 of this chapter shall be included in all contracts which are estimated to exceed $1 million and use management control systems other than those required by ASPR (see § 1.331 of this chapter). The DD Form 1660 shall list each management control system required by the contract except those required by a clause set forth in this subchapter.

§ 16.827–2 Preparation.

The DD Form 1660 shall be prepared and used in accordance with the following:

(a) Each entry shall be selected from the Management Control Systems List, DoD Manual 7000.6 M, or have been specifically approved for use on the contract by the Office of the Assistant Secretary of Defense (Comptroller) or of the Secretary of the Department concerned.

(b) Entries on the DD Form 1660 shall be made as follows:

Item 1. Number the entries sequentially on the form.

Item 2. Transcribe the document numbers from the "Document Number" column on the Management Control Systems List (MCSL) (DODM 7000.6 M).

Item 3. Transcribe the date of issue or date of latest revision of the document from the "Date" column in the MCSL.

Item 4. Transcribe the document title from the center column on the MCSL.

Item 5. Enter the DD Form 1423 sequence numbers for all data requirements derived

from the MCSL. Enter any exceptions made to the reporting and control requirements of the management control system or state where the exceptions are contained in the contract.

§ 16.827–3 Procedure.

Upon receipt of a DD Form 1660, the contracting officer shall take the following steps:

(a) Verify that the listed system(s) appear on the Management Control Systems List (MCSL).

(b) Verify that the approval of the Office of the Assistant Secretary of Defense (Comptroller) or of the Secretary of the Department concerned accompanies the DD Form 1660 for any system not appearing on the MCSL.

(c) Inform the originator of the requirement either to substitute an approved management control system or to obtain approval for any unlisted or unapproved system included on the DD Form 1660.

§ 16.827–4 Completed DD Form 1660.

The completed DD Form 1660 shall be included in the solicitation document and the resulting contracts.

PART 19—TRANSPORTATION

12. In § 19.204(a)(1), subdivision (i) is revised to read as follows:

§ 19.204 Consignment and marking instructions.

(a)(1) * * *

(i) Department of Defense organizational entity code of consignee and clear text identification of consignee and destination.

* * * * *

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

13. In § 30.1, paragraph 4 in part I and paragraph I and Rule 12 in part II are revised, and a new § 30.9 is added, as follows:

§ 30.1 Appendix A—Armed Services Board of Contract Appeals.

PART I—CHARTER

* * * * *

4. The chairman of the Board shall be responsible for establishing appropriate divisions of the Board to provide for the most effective and expeditious handling of appeals. He shall be responsible for assigning appeals to the divisions for decision without regard to the military department or other procuring agency which entered into the contract. A division may consist of one or more members of the Board. The chairman shall designate one member of each division as the division head. The division heads and the chairman and vice chairman shall constitute the senior deciding group of the Board. A majority of the members of a division or of the senior deciding group shall constitute a quorum for the transaction of the business of each, respectively. Decisions of the Board shall be by majority vote of the members of a division participating and the chairman and a vice chairman, unless the chairman refers the appeal for decision by the senior deciding group. The decision of the Board in cases so referred to the senior deciding group shall be by majority vote of the participating members of that group. The chairman may refer an appeal of unusual difficulty, significant precedential importance, or serious dispute within the normal decision process for decision by the senior deciding group. On request of an appellant, concurred in by the Government, an appeal involving $5,000 or less may be decided by a single member of the Board under accelerated procedures as provided in the rules of the Board.

* * * * *

PART II—RULES

PREFACE TO RULES OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS

I. *Summary of Pertinent Charter Provisions*

The Armed Services Board of Contract Appeals is the authorized representative of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in hearing, considering and determining, as fully and finally as might each of the Secretaries:

(a) Appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Secretary of Defense or by a Secretary of a military department or their duly authorized representative or board; or,

(b) Appeals by contractors taken pursuant to the provisions of any directive whereby the Secretary of Defense or the Secretary of a military department has granted a right of appeal not contained in the contract.

When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

When a contract requires the Secretary of Defense or the Secretary of a military department, personally to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals makes and submits findings and recommendations to the appropriate Secretary with respect thereto.

There are a number of divisions of the Armed Services Board of Contract Appeals, established by the Chairman of the Board in such manner as to provide for the most effective and expeditious handling of appeals. The Chairman and a Vice Chairman of the Board act as members of each division. Appeals are assigned to the divisions for decision without regard to the military department or other procuring agency which entered into the contract involved. Hearing may be held by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the Board, unless the Chairman refers the appeal to the Board's Senior Deciding Group (consisting of the Chairman, Vice Chairmen, and all division heads), in which event a decision of a majority of that group constitutes the decision of the Board. Appeals referred to the Senior Deciding Group are those of unusual difficulty, significant precedential importance, or serious dispute within the normal division decision process.

On request of the parties, an appeal involving $5,000 or less is decided as provided in the Optional Accelerated Procedure set forth in Rule 12, by a single member of the Board.

* * * * *

12. *Optional accelerated procedure.* Should an appeal involve $5,000 in amount or less, it may at the option of the parties be processed under this rule. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

* * * * *

§ 30.9 Appendix M—Retention requirements for contractor and subcontractor records.

PART 1—GENERAL

M–101 General. (a) Contractors and subcontractors are required to retain and make available books, records, documents, and other supporting evidence required to satisfy contract negotiation, administration, and audit requirements of the Department of Defense and the Comptroller General of the United States. These requirements are prescribed by contract clauses.

(b) The general record retention requirements of these contract clauses are subject to the exceptions set forth in this appendix. The appendix identifies these exceptions and prescribes specific retention periods for them.

(1) Records are identified herein primarily in terms of their purpose or use and not by specific name or form number. The descriptive identifications may or may not conform to contractor usage or individual filing practices; but they are to apply to all records kept by the contractor which come within the description, regardless of contractor designations of such records. If two or more of the record categories described are interfiled and screening for disposal is not practical, the contractor or the subcontractor shall retain the entire record series for the longest period prescribed for any of the records.

(2) The prescribed retention periods for the records described in M–201 shall be calculated from the end of the contractor's fiscal year in which an entry is made charging or allocating a cost to a Government contract. Where there is a series of such entries involving a specific record, the retention period for that record shall be calculated from the end of the contractor's fiscal year in which the final entry is made. To apply these retention periods, the contractor or subcontractor should cut off the records in annual blocks and retain for block disposal in accordance with the prescribed retention periods under the related contract or subcontract. An exception to the foregoing starting time for the retention periods shall occur where records generated during a prior contract are relied upon by a contractor for cost and pricing data in negotiation of a succeeding contract, and the 2- and 4-year periods will run for those records from the date of the succeeding contract.

(c) The provision in this appendix shall not be construed as exempting the contractor from compliance with any applicable statute or other lawful requirement for the retention of records for longer periods than prescribed herein. If the contractor should retain records described in M–201 for longer periods because of justifiable purposes, such records shall be subject to the right of the Comptroller General to have access to and

to examine within the statutory periods provided in the contract clause.

M-102 Retroactive application. The prescribed retention periods set forth in this appendix are applicable to all contractual record retention provisions in existence at the date of adoption of this appendix.

PART 2—RETENTION REQUIREMENTS

M-201 Retention Periods. Contractors and subcontractors shall retain the records described in the contract or subcontract records clauses, and shall make them available to the Comptroller General of the United States, the Contracting Officer, or their authorized representatives, (i) until expiration of 3 years after final payment or, for certain records, for the period specified in this paragraph M-201, whichever expires earlier, and (ii) for whatever longer period, if any, is specified in the general requirements of the applicable contract or subcontract records clause.

M-201.1 Financial and cost accounting records. Retain for the following periods, calculated as provided in M-101(b)(2):

(i) Accounts receiveable invoices, adjustments to the accounts, invoice registers, shipping orders, carrier freight bills, or other documents which detail the material or services billed on the related invoices—retain 4 years.

(ii) Material, work order, or service order files, consisting of purchase requisitions or purchase orders for material or services, or orders for transfer of material or supplies—retain 4 years.

(iii) Cash advance recaps, prepared as posting entries to accounts receivable ledgers for amounts of expense vouchers prepared for employees' travel and related expenses—retain 4 years.

(iv) Paid, canceled, and voided checks, other than those issued for the payment of salary and wages—retain 4 years.

(v) Accounts payable records to support disbursements of funds for materials, equipment, supplies, and services, containing originals or copies of the following and related documents: remittance advices and statements, vendors' invoices, invoice audits and distribution slips, receiving and inspection reports or comparable certifications of receipt and inspection of material or services, and debit and credit memoranda—retain 4 years.

(vi) Labor cost distribution cards or equivalent documentation—retain 2 years.

(vii) Petty cash records showing description of expenditures, to whom paid, name of person authorizing payment, and date, including copies of vouchers and other supporting documents—retain 2 years.

M-201.2 Pay administration records. Retain for the following periods, calculated as provided in M-101(b)(2):

(i) Payroll sheets, registers, or their equivalent, of salaries and wages paid to individual employees for each payroll period; change slips; and tax withholding statements—retain 4 years.

(ii) Clock cards or other time and attendance cards—retain 2 years.

(iii) Paid checks, receipts for wages paid in cash, or other evidence of payments for services rendered by employees—retain 2 years.

M-201.3 Procurement and supplies records. Retain for the following periods, calculated as provided in M-101(b)(2):

(i) Stores requisitions for materials, supplies, equipment, and services—retain 2 years.

(ii) Work orders for maintenance and other services—retain 4 years.

(iii) Equipment records, consisting of equipment utilization and status reports and equipment repair orders—retain 4 years.

(iv) Expendable property records, reflecting accountability for the receipt and use of material in the performance of a contract—retain 4 years.

(v) Receiving and inspection report records, consisting of reports reflecting receipt and inspection of supplies, equipment, and material—retain 4 years.

(vi) Purchase order files for supplies, equipment, material, or services, to be used in the performance of a contract or subcontract—retain 4 years.

(vii) Production records of quality control, reliability, and inspection—retain 4 years.

M-202 Nonapplicability of retention requirements. The retention periods in M-201 are not applicable to extra copies of documents or intermediate data records. These may be disposed as follows:

(a) Those duplicate copies of documents which are not required for Government purposes may be destroyed at any time: provided such copies do not contain significant information not shown on the retained record copies.

(b) Intermediate data records consisting of punched cards, electronic tape, or comparable media may be disposed of if printouts or listings are prepared and maintained showing the details of the transactions charged or allocated to individual Government contracts and identifying the supporting source documents.

[Rev. 2, ASPR, Apr. 28, 1969, DPC 69 and 70] (Secs. 2202, 2301-2314, 70A Stat. 120, 127-133; 10 U.S.C. 2202, 2301-2314)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-8393; Filed, July 16, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,042]

PART 545—OPERATIONS

Loan Prepayments

JULY 10, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 545.6-12(b) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-12(b)) for the purpose of permitting Federal savings and loan associations and their borrowers to negotiate any amount of prepayment penalty in connection with any loan other than a loan secured by an owner-occupied "home", as the term "home" is defined in § 541.10-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.10-2), hereby amends paragraph (b) of said § 545.6-12 to read as follows, effective July 17, 1969.

§ 545.6-12 Loan payments.

* * * * *

(b) *Loan payments and prepayments.* Payments on the principal indebtedness of all loans on real estate security shall be applied directly to the reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time in whole or in part by a Federal association to offset payments which subsequently accrue under the loan contract. Borrowers from Federal associations shall have the right to prepay their loans without penalty unless the loan contract makes express provision for a prepayment penalty. The prepayment penalty for a loan secured by a home which is occupied or to be occupied in whole or in part by a borrower shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948, Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(b); and publication of said amendment for the period specified in section 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 69-8441; Filed, July 16, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-SO-75; Amdt. 39-796]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Airplanes

There have been failures of the control wheel retaining pin on Piper PA-28 and PA-32 model airplanes that could result in loss of elevator and aileron control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive

is being issued to require installation of a self-tapping screw adjacent to the control wheel retaining pin to prevent loss of the pin on Piper PA-28 and PA-32 model airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to the following models: PA-28-180/-235, PA-28R-180/-200, and PA-32-260/-300. The following are affected serial numbers:

PA-28-180, Serial Nos. 28-4378 through 28-5406;
PA-28-235, Serial Nos. 28-11040 through 28-11257;
PA-28R-180, Serial Nos. 28-30005 through 28-31095;
PA-28R-200, Serial Nos. 28-35001 through 28-35265;
PA-32-260, Serial Nos. 32-1111 through 32-1165;
PA-32-300, Serial Nos. 32-40566 through 32-40715.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent control wheel retaining pin from dislodging, install a self-tapping steel screw adjacent to the retaining pin for each control wheel in accordance with Piper Service Bulletin No. 295, or equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective July 21, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Piper Aircraft Corp., Post Office Box 1328, Vero Beach, Fla. 32960, Attention: Mr. H. M. Toomey, Administrative Engineer. These documents may also be examined at FAA Southern Region, 3400 Whipple Street, East Point, Ga. 30320, and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20553. A historical file on this airworthiness directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Southern Region.

Issued in East Point, Ga. on July 9, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on July 16, 1969.

[F.R. Doc. 69-8411; Filed, July 16, 1969; 8:46 a.m.]

[Airworthiness Docket No. 69-SW-22; Amdt. 39-795]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the magnesium cyclic bellcrank support assemblies until replaced with an aluminum assembly on Bell Model 206A helicopters to supersede Amendment 39-746 was published in 34 F.R. 8369.

Interested persons have been afforded an opportunity to participate in making the amendment. One comment was received and was concerned with: (1) The wording of subparagraph (a)(2), in that it could be interpreted to require torqueing the nuts on the support assembly on a daily basis; and, (2) that due to the inaccessibility of some of the nuts on the assembly, torqueing of the bolt head should be acceptable where necessary. It was intended that the inspection be accomplished by grasping the support assembly to determine whether or not it was loose and to torque the nuts only if the assembly was determined to be loose. Accordingly, subparagraph (a)(2) is being changed to more properly describe the method of inspection and to provide for the torqueing of the bolt heads, as necessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Model 206A helicopters equipped with magnesium cyclic bellcrank support assemblies.

Compliance required as indicated.

To prevent failure of the magnesium cyclic bellcrank support assemblies, P/N 206-001-521, due to fatigue cracks, accomplish the following:

(a) Inspect the right and left-hand support assemblies, P/N 206-001-521, that have accumulated 25 hours' total time in service after April 15, 1969, before the first flight of each day as follows:

(1) Remove the upper forward cowling, P/N 206-061-801, to expose the hydraulic power cylinders.

(2) Inspect the attachment of the support assemblies to the fuselage for firmness by grasping with the fingers. If the support assembly is loose, torque the nut on the NAS 1304-9 bolt to 80 to 100 inch-pounds and the nut on the NAS 1305-9 bolt to 120 to 145 inch-pounds. If a nut is inaccessible, torque the bolt head in accordance with the method described in paragraph 4 of Bell Helicopter Company Service Bulletin No. 206A-11 dated May 9, 1969, or in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(3) Inspect visually the right and left-hand support assemblies, P/N 206-001-521, for cracks in the spotfaced areas around the attachment bolts and in the fillet radii between the base and vertical section of the supports, using a flashlight or equivalent. Both the forward and aft flange fillet radii and spotfaced areas must be inspected.

(4) Smooth out any nicks or corrosion visible in the forward and aft flange fillet radii and the spotfaced areas, using a fine file and crocus cloth.

(b) Remove and replace the support assembly before further flight if cracks are found. Inspect cyclic control rigging in accordance with paragraph 4-30 of the Model 206A Maintenance and Overhaul Instructions when the support assembly is replaced.

(c) Remove and replace right and left-hand magnesium support assemblies with new aluminum support assemblies, P/N 206-001-544, within 100 hours' time in service after the effective date of this AD in accordance with the procedures in Bell Helicopter Company Service Bulletin No. 206A-11 dated May 9, 1969, or in accordance with a procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(d) The inspections in paragraph (a) are no longer required when aluminum bellcrank supports are installed in accordance with paragraph (c).

(Bell Model 206A Maintenance and Overhaul Manual Interim Revision No. 206A-69-16 pertains partially to this subject.)

This supersedes Amendment 39-746 (34 F.R. 6472), AD 69-7-3.

This amendment becomes effective August 16, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 8, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69-8408; Filed, July 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-EA-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8206 of the FEDERAL REGISTER for May 27, 1969, the Federal Aviation Administration published proposed regulations which would alter the Mount Pocono, Pa., transition area (34 F.R. 4732).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1969.

IRVING MARK,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to in the description of the Mount Pocono, Pa., transition area, delete all after the words "within 2 miles each side of the" and insert the following in lieu thereof, "333° bearing from the Tobyhanna RBN (41° 12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN."

[F.R. Doc. 69-8421; Filed, July 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-EA-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8206 of the FEDERAL REGISTER for May 27, 1969, the Federal Aviation Administration published proposed regulations which would designate a 700-foot transition area over Empire Aero Services Airport, Skaneateles, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., September 18, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1969.

IRVING MARK,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Skaneateles, N.Y., transition area described as follows:

SKANEATELES, N.Y.

That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50'' N., 76°26'20'' W. of Empire Aero Services Airport, Skaneateles, N.Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 2 miles each side of the Syracuse VORTAC 215° radial, extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC.

[F.R. Doc. 69-8422; Filed, July 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greenwood, Miss., control zone and transition area.

The Greenwood control zone is described in § 71.171 (34 F.R. 4557, 5431) and the Greenwood transition area is described in § 71.181 (34 F.R. 4637, 5431).

In each description, an extension is predicated on the Greenwood VORTAC 079° radial and has a designated width of 2 miles each side of the radial.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace for the protection of these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria and a redefinement of the final approach radial of AL-181-VOR-RWY 5 instrument approach procedure from the 079° to the 081° radial, it is necessary to alter the descriptions by redesignating the control zone and transition area extensions predicated on the 079° radial to the 081° radial, increase the width of the control zone extension predicated on this radial from 2 to 2.5 miles each side, and decrease the width of the transition area extension predicated on this radial from 2 to 1.5 miles each side.

In view of the foregoing, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Greenwood, Miss., control zone (34 F.R. 5431) is amended to read:

GREENWOOD, MISS.

Within a 5-mile radius of the Greenwood-Leflore Airport (lat. 33°29'30'' N., long. 90°-04'50'' W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

In § 71.181 (34 F.R. 4637), the Greenwood, Miss., transition area (34 F.R. 5431) is amended to read:

GREENWOOD, MISS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (lat. 33°-29'30'' N., long. 90°04'50'' W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a), sec. 6(c), the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 7, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-8407; Filed, July 16, 1969; 8:46 a.m.]

[Airspace Docket No. 68-PC-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airways and Reporting Points

On May 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7579) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. Designate V-20 Hawaii from Honolulu, Hawaii, via the intersection of Honolulu 134° and the Kona, Hawaii, 308° True radials; Kona.

2. Designate V-23 Hawaii from Upolu Point, Hawaii, to the intersection of Upolu Point 280° and Honolulu 134° True radials.

3. Extend V-7 Hawaii from Lanai, Hawaii, via the intersection of Lanai 140° and Kona 323° True radials; to Kona.

4. Designate Firepit Intersection, intersection of Honolulu 134° and Upolu Point 280° True radials, as a reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

It was the intent that V-23, via the Upolu Point 280° T radial, intersect V-20 at the intersection of the Honolulu 134° and Kona 308° True radials (Firepit INT). Subsequent to publication of the notice, a mathematical computation of the Upolu Point radial determined that its value should be 277° T to intersect V-20 at the Firepit INT. Corrective action is taken herein.

Since the change in the value of the Upolu Point radial is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., September 18, 1969, as hereinafter set forth.

1. Section 71.127 (34 F.R. 4544) is amended as follows:

a. V-20 Hawaii is added as follows:

V-20 Hawaii. From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii; 308° radials; Kona.

b. V-23 Hawaii is added as follows:

V-23 Hawaii. From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

c. V-7 Hawaii is amended to read as follows:

V-7 Hawaii. From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

2. In § 71.215 (34 F.R. 4806) the following is added:

Firepit INT: INT Honolulu, Hawaii, 134° and Upolu Point 277° radials.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 10, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-8409; Filed, July 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Kerrville, Tex., transition area.

On May 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7977) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Kerrville, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to issuance of the notice, the agency learned that the position of the Kerrville RBN had been recomputed and the coordinates corrected. Changing to the correct coordinates will not affect the extent of the proposed transition area. Action is taken herein to incorporate the correct coordinates of the RBN in the transition area description.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 18, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

KERRVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (lat. 29°58'41" N., long. 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (lat. 29°59'11" N., long. 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 8, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-8410; Filed, July 16, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-166]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Transportation of Passengers Between United States Ports on Foreign Vessels

The purpose of this amendment is to clarify the fact that the Commissioner of Customs has authority in certain cases to extend the time a foreign vessel may remain in a coastwise port without being deemed to have landed passengers taken at another such port. For that purpose, § 4.80a(a)(2) of the Customs Regulations is amended to read as follows:

§ 4.80a **Passengers on foreign vessels taken on board and landed in the United States.**

(a) * * *

(2) The passenger goes ashore, even temporarily, at another coastwise port on a voyage to one or more coastwise ports but touching at a nearby foreign port or ports (but at no other foreign port) if during the course of the voyage the vessel remains in the coastwise port (not including the port of embarkation) for more than 24 hours, without regard to whether the passenger ultimately severs his connection with the vessel at the port at which he embarked. This period may be extended by the district director of customs concerned to 48 hours or by the Commissioner of Customs for a longer period if the district director or the Commissioner is satisfied that the vessel will be unable to depart within the permitted period for reasons connected with the loading or unloading of cargo or for the safety or safe navigation of the vessel.

* * * * *

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8434; Filed, July 16, 1969; 8:48 a.m.]

[T.D. 69-168]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the month of June 1969 for products of Australia subject to the countervailing duty order published in T.D. 54582.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of June 1969, of approved fruit products and other approved products containing sugar amounts to Australian $79.10 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $79.10 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 69-96 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-8433; Filed, July 16, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TDE (or DDD)

No comments were received in response to the notice published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7974), proposing a reduction of tolerances for residues of the insecticide TDE (1,1-dichloro-2,2-bis(*p*-chlorophenyl) ethane) from 7 parts per million to 3.5 parts per million or 1 part per million in or on certain raw agricultural commodities for specified reasons. Also, no requests were received to refer the proposal to an advisory committee.

The Commissioner of Food and Drugs concludes that the tolerances should be reduced as proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.187 is revised to read as follows:

§ 120.187 **TDE (or DDD); tolerances for residues.**

Tolerances for residues of the insecticide TDE (1,1-dichloro-2,2-bis(*p*-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

7 parts per million in or on apples, apricots, beans, blueberries (huckleberries), cucumbers, eggplants, grapes, melons, nectarines, peaches, pears, peppers, pumpkins, quinces, rutabaga tops, squash, summer squash, tomatoes, and turnip greens.

3.5 parts per million in or on blackberries, boysenberries, cherries, citrus fruits, dewberries, loganberries, plums (fresh prunes), raspberries, strawberries, sweet corn (kernels plus cob with husks removed).

1 part per million in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohlrabi, lettuce, peas, rutabagas (roots), spinach, and turnips (roots).

Any person who will be adversely affected by the foregoing order may at any

time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW, Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m))

Dated: July 8, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8396; Filed, July 16, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Correction and Clarification Regarding Penicillin-Streptomycin Containing Combination Drugs for Veterinary Use

An order published in the FEDERAL REGISTER of June 13, 1969 (34 F.R. 9333), included among other things certain amendments regarding tests and methods of assay and certification requirements of penicillin and penicillin-containing drugs.

Sections 146a.58 and 146a.67 provided for label changes in the products covered by these monographs with regard to their use in food-producing animals. The changes would require that the labeling for such products bear a statement that animals treated with such products are not to be slaughtered for food within 30 days of the last treatment. An order was promulgated May 17, 1969 (34 F.R. 7849), that incorporated the findings and conclusions of the Commissioner and was based in part upon comments submitted in response to said proposal.

As a completion of action on the proposal of April 11, 1968 (33 F.R. 5627), and based upon the findings published in the order of May 17, 1969 (34 F.R. 7849), pusuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120): The amendments to § 146a.58 and § 146a.67 promulgated June 13, 1969 (34 F.R. 9333), as related to use of such drugs in food-producing animals are hereby based upon the findings and conclusions set forth in said order of May 17, 1969.

Effective date. The labeling changes required by the order of June 13, 1969, become effective on July 23, 1969. Antibiotic preparations not in compliance with § 146a.58 or § 146a.67 as revised will be subject to regulatory action after November 13, 1969.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 9, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8395; Filed, July 16, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.605]

REVISION

Parts 121 through 127 of Title 22 of the Code of Federal Regulations are revised and Part 128 is added as set forth below. This revision does not include § 121.01 which will be issued at a later date.

Part
121 Arms, Ammunition, and Implements of War.
122 Registration.
123 Licenses for Unclassified Arms, Ammunition, and Implements of War.
124 Manufacturing License and Technical Assistance Agreements.
125 Technical Data.
126 Prohibited Shipments, Temporary Suspension or Modification of Regulations, Exemptions and Relation to Other Provisions of Law.
127 Violations and Penalties.
128 Administrative Procedures.

PART 121—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

ENUMERATION OF ARTICLES

Sec.
121.01 The U.S. munitions list.

DEFINITIONS AND INTERPRETATIONS

121.02 Equipment.
121.03 Firearms.
121.04 Cartridge and shell casings.
121.05 Military demolition blocks and blasting caps.
121.06 Apparatus and devices under Category IV(b).
121.07 Amphibious vehicles.
121.08 Chemical agents.
121.09 Propellants.
121.10 Military explosives.
121.11 Military fuel thickeners.
121.12 Vessels of war and special naval equipment.
121.13 Aircraft and related articles.
121.14 Helium gas.
121.15 Forgings, castings, and machined bodies.
121.16 "United States".
121.17 Person.
121.18 Export.
121.19 Intransit shipments.
121.20 Licenses.
121.21 District directors of customs.

AUTHORITY: The provisions of this Part 121 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231.

ENUMERATION OF ARTICLES

§ 121.01 The U.S. munitions list.

* * * * *

DEFINITIONS AND INTERPRETATIONS

§ 121.02 Equipment.

The term "equipment" as used in this subchapter, unless it appears otherwise in the context, means any article (see footnote 1, § 121.01) not including technical data. The terms "equipment" and "article" include (a) experimental equipment being developed for military use, and (b) models and mockups (with or without moving parts) if they reveal any information relating to the use, operation, maintenance, repair, overhaul, production, processing, manufacture, research, development, or design of any arms, ammunition, and implements of war on the U.S. Munitions List.

§ 121.03 Firearms.

Rifles, carbines, revolvers, and pistols, to caliber .50 inclusive, and shotguns with barrels less than 18 inches in length, are included under Category I(a). Machineguns, submachineguns, machine pistols, and fully automatic rifles to caliber .50 inclusive are included under Category I(b).

(a) As used in this subchapter, the term "firearm" denotes a weapon not over .50 caliber which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. (BB and pellet guns are not included on the Munitions List.)

(b) A "rifle" is a shoulder firearm discharging bullets through a rifled barrel at least 16 inches in length, including combination and drilling guns.

(c) A "carbine" is a lightweight shoulder firearm with a short barrel, under 16 inches in length.

(d) A "pistol" is a hand-operated firearm having a chamber integral with, or permanently aligned with, the bore.

(e) A "revolver" is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(f) A "machinegun," "machine pistol" or "submachinegun" is a firearm originally designed to fire, or capable of being fired fully automatically by a single pull of the trigger.

§ 121.04 Cartridge and shell casings.

Cartridge and shell casings are included under Category III of the U.S. Munitions List unless, prior to their exportation, they have been rendered useless beyond the possibility of restoration for use for the purpose originally produced by means of excessive heating, flame treatment, mangling, crushing, cutting, or popping. (Shotgun ammunition is not included in the Munitions List.)

§ 121.05 Military demolition blocks and blasting caps.

The term "military demolition blocks and blasting caps" does not include the following articles:

(a) Electric squibs.

(b) No. 6 and No. 8 blasting caps, including electric.

(c) Delay electric blasting caps (including No. 6 and No. 8 millisecond).

(d) Seismograph electric blasting caps (including SSS, Static-Master, Vibrocap SR, and SEISMO SR).

(e) Oil well perforating devices.

§ 121.06 Apparatus and devices under Category IV(b).

Category IV(b) includes inter alia the following: Fuzes and components thereof, bomb racks and shackles, bomb shackle release units, bomb ejectors, torpedo tubes, torpedo and guided missile boosters, guidance system materials (except those having a commercial application), launching racks and projectors, pistols (exploders), igniters, fuze arming devices, intervalometers, and components therefor, guided missile launchers and specialized handling equipment and hardened missile launching facilities.

§ 121.07 Amphibious vehicles.

As used in Category VII(f), the term "amphibious vehicles" includes, but is not limited to, automotive vehicles or chassis embodying all-wheel drive and equipped to meet special military requirements, with adaptation features for deep water fording and sealed electrical systems.

§ 121.08 Chemical agents.

(See Category XIV(a).) A chemical agent is a substance useful in war which, by its ordinary and direct chemical action, produces a powerful physiological effect. The term "chemical agents" includes but is not limited to the following chemical compounds:

1. Lung irritants:
(a) Diphenylcyanoarsine (DC).
(b) Fluorine (but not fluorene).
(c) Trichloronitro methane (Chlorpicrin PS).
2. Vesicants:
(a) B Chlorvinyldichlorarsine (Lewisite, L).
(b) Bisdichlorethyl sulphide (Mustard gas, HD or H).
(c) Ethyldichloroarsine (ED).
(d) Methyldichloroarsine (MD).
3. Lachrymators and tear gases:
(a) Brombenzylcyanide (BBC).
(b) Chloroacetophenone (CN).
(c) Dibromodimethyl ether.
(d) Dichlorodimethyl ether (ClCl).
(e) Ethyldibromoarsine.
(f) Phenylcarbylamine chloride.
(g) Tear gas solutions (CNB and CNS).
(h) Tear gas orthochlorobenzalmalononitrile (CS).
4. Sternutators and irritant smokes:
(a) Diphenylaminechloroarsine (Adamsite, DM).
(b) Diphenylchlorarsine (BA).
(c) Liquid pepper.
5. Nerve gases. These are toxic compounds which affect the nervous system, such as:
(a) Dimethylaminoethoxycyanophosphine oxide (GA).
(b) Methylisopropoxyfluorophosphine oxide (GB).
(c) Methylpinacolyloxyfluoriphosphine oxide (GD).
6. Antiplant chemicals:
(a) Butyl, 2,4-dichlorophenoxyacetate (LNA).
(b) 2,4,5-trichlorophenoxyacetate (LNB).
(c) Butyl 2-chloro-4-fluorophenoxyacetate (LNF).

§ 121.09 Propellants.

The term "propellants" includes but is not limited to the following:

(a) Propellant powders, including smokeless shotgun powder (see § 123.37).
(b) Hydrazine (including Monomethyl hydrazine and symmetrical dimethyl hydrazine but excluding hydrazine hydrate).
(c) Unsymmetrical dimethyl hydrazine.
(d) Hydrogen peroxide over 85 percent concentration.
(e) Nitroguanadine or picrite.
(f) Nitrocellulose with nitrogen content of over 12.20 percent.
(g) Nitrogen tetroxide.
(h) Other solid propellant compositions, including but not limited to the following:
(1) Single base (nitrocellulose).
(2) Double base (nitrocellulose, nitroglycerin).
(3) Triple base (nitrocellulose, nitroglycerin, nitroguanidine).
(4) Composite of nitroglycerin, ammonium perchlorate, potassium perchlorate, nitronium perchlorate, guanidine (guanidinium) perchlorate, nitrogen tetroxide, ammonium nitrate or nitrocellulose with plastics, metal fuels, or rubbers added; and compounds composed only of fluorine and one or more of the following: Other halogens, oxygen, or nitrogen.
(5) Special purpose chemical base high energy solid military fuels.
(i) Other liquid propellant compositions, including but not limited to the following:
(1) Monopropellants (hydrazine, hydrazine nitrate, and water).
(2) Bipropellants (hydrazine, fuming nitric acid (HNO_3)).
(3) Perchloryl fluoride.
(4) Special purpose chemical base high energy liquid military fuels and oxidizers.

§ 121.10 Military explosives.

The term "military explosives" includes, but is not limited to, the following:

(a) Ammonium picrate.
(b) Black powder made with potassium nitrate or sodium nitrate.
(c) Cyclotetramethylene - tetranitramine (HMX).
(d) Cyclotrimethylene - trinitramine (RDX, Cyclonite, Hexogen or T4).
(e) Dinitronaphthalene.
(f) Ethylenedinitramine.
(g) Hexanitrodiphenylamine.
(h) Nitroglycerin.
(i) Nitrostarch.
(j) Pentaerythritol tetranitrate (penthrite, pentrite or PETN).
(k) Tetranitronaphthalene.
(l) Trinitroanisol.
(m) Trinitronaphthalene.
(n) Trinitrophenol (picric acid).
(o) Trinitrophenylmethylnitramine (Tetryl).
(p) Trinitrotoluene (TNT).
(q) Trinitroxylene.
(r) Ammonium perchlorate nitrocellulose (military grade).
(s) Any combinations of the above.

§ 121.11 Military fuel thickeners.

The term "military fuel thickeners" includes: compounds (e.g., octal), or mixtures of such compounds (e.g., napalm) specifically formulated for the purpose of producing materials which, when added to petroleum products, provide a gel-type incendiary material for use in bombs, projectiles, flame throwers, or other implements of war.

§ 121.12 Vessels of war and special naval equipment.

(See Category VI.) The term "vessels of war" includes, but is not limited to, the following:

(a) Combatant:

(1) Warships (including nuclear-powered versions):

Aircraft carriers (CVA, CVE, CVHE, CVL, CVS).
Battleships (BB, BBG).
Command ships (CBC, CLC).
Cruisers (CA, CAG, CB, CG, CL, CLAA, CLG).
Destroyers (DD, DDC, DDE, DDG, DDR, DL, DLG).
Submarines (SS, SSB, SSG, SSK, SSR).

(2) Amphibious warfare vessels:

Amphibious assault ship (LPH).
Amphibious force flagship (AGC).
Assault helicopter aircraft carrier (CVHA).
Attack cargo ship (AKA).
Control escort vessel (DEC).
Cargo submarine (AK(SS)).
Inshore fire support ship (IFS).
Landing ships (LSD, LSMR, LST, LPD).
Transport submarine (AP(SS)).
Transports (APA, APD).

(3) Landing craft (LCM, LCU, LCVP, ATC, CCB).
(4) Landing vehicle, tracked (LVT).
(5) Mine warfare vessels:

Mine hunter, coastal (MHC).
Mine countermeasures support ship (MCS).
Minelayers (DM, MMA, MMC, MMF).
Minesweepers (DMS, MSC, MSC(O), MSF, MSO, MSI, MSB, MSA, YMS, MSL, Ub/MS).

(6) Patrol vessels:

Escort vessels (DE, DER, PCS, PCER, PF, DEG).
Gunboats (PCM, PR).
Submarine chasers (PC, PCS, SC).
Yacht (PY).

(b) Auxiliary vessels and service craft:
(1) Advanced aviation base ship (AVB).
(2) Auxiliary submarine (AG(SS)).
(3) Cable repairing or laying ship (ARC).
(4) Degaussing vessel (ABG).
(5) Distilling ship (AW).
(6) Drone aircraft catapult control craft (YV).
(7) Floating dry docks, cranes, and associated workships and lighters (AFDB, AFDL, AFDM, ARD, YFD, YFMD, YR, YRDH, YRDM, YHL, YSD).
(8) Guided missile ship (AVM).

(9) Harbor utility craft (YFU).
(10) Icebreaker (AGB).
(11) Logistic support ships (AE, AF, AK, AKS, AO, ACE, AOG, AOR, AO(SS), AVS).
(12) Miscellaneous auxiliary (AG, IX, YAG).
(13) Miscellaneous cargo ships (AKD, AKL, AKV, AVT).
(14) Naval barges and lighters (YC, YCF, YCK, YCV, YF, YFB, YFN, YFNS, YFNX, YFP, YFR, YFRN, YFRT, YFT, YG, YGN, YO, YOG, YOGN, YON, YOS, YSR, YTT, YW, YWN).
(15) Net laying and tending ships (AKN, AN, YNG).
(16) Oceanographic research ship (AGOR).
(17) Patrol craft (PT, YP).
(18) Repair, salvage, and rescue vessels (AR, ARB, ARG, ARL, ARS, ARSD, ARV, ARVA, ARVE, ASR).
(19) Survey ships (AGS, AGSC).
(20) Target and training submarine (SST).
(21) Tenders (AD, AGP, ARST, AS, AV, AVP, YDT).
(22) Transports and barracks vessels (AP, APB, APC, APL, YHB, YRB, YRBM).
(23) Tugs (ATA, ATF, ATR, YTB, YTL, YTM).
(24) Ocean radar picket ship (AGR).
(25) Submersible craft (X). (See Category XX.)
(26) Utility aircraft carrier (CVU).
(c) Coast Guard patrol and service vessels and craft:
(1) Submarine repair and berthing barge (YRB).
(2) Labor transportation barracks ship (APL).
(3) Coast Guard cutter (CGC).
(4) Gunboat (WPG).
(5) Patrol craft (WPC, WSC).
(6) Seaplane tender (WAVP).
(7) Icebreaker (WAGB).
(8) Cargo ship (WAK).
(9) Buoy tenders and boats (WAGE, WD).
(10) Cable layer (WARC).
(11) Lightship (WAL).
(12) Coast Guard tugs (WAT, WKT).
(13) Radio ship (WAGR).
(14) Special vessel (WIX).
(15) Auxiliary vessels (WAG, WAGE).
(16) Other Coast Guard patrol or rescue craft (i) of over 300 horsepower when equipped with a gas turbine engine or engines, and (ii) of over 600 horsepower when equipped with an engine or engines of the internal combustion, reciprocating type.
(d) Air Force craft: Air Force rescue boat.
(e) Army vessels and craft:
(1) Transportation Corps tug: 100 ft. (LT), 65 ft. (ST), T-boat, Q-boat, J-boat, E-boat.
(2) Barges (BG, BC, BR, BSP, BSPI, BKI, BCF, BBL, BARC, BK).
(3) Cranes, floating (BD).
(4) Drydock, floating (FDL).
(5) Repair ship, floating (FMS).
(6) Trainer, amphibious 20-ton wheeled tow boat, inland waterway (LTI, STI).

§ 121.13 Aircraft and related articles.

(a) The term "aircraft" used in Category VIII of the U.S. Munitions List means aircraft designed, modified, or equipped for military purpose as specified in Category VIII, including so-called "demilitarized" aircraft. The export of such aircraft are subject to the licensing requirements of the Department of State.
(b) Regardless of demilitarization, all aircraft bearing an original military designation are included in Category VIII of the U.S. Munitions List, except the following aircraft which have not been specifically equipped, reequipped, or modified for military operations:
(1) Cargo aircraft bearing "C" designations C–45 through C–118 inclusive, and C–121.
(2) Trainer aircraft bearing "T" designations and using reciprocating engines only.
(3) Utility aircraft bearing "U" designations and using reciprocating engines only.
(4) All liaison aircraft bearing an "L" designation.

§ 121.14 Helium gas.

The word "helium" means "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The term "contained helium" means the actual quantity of the element helium (i.e., 100 percent pure helium) in terms of cubic feet present in a mixture of helium and other gases. Purity determination shall be made by usually recognized methods.

§ 121.15 Forgings, castings, and machined bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated on the U.S. Munitions List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be such articles for the purposes of section 414 of the Mutual Security Act, as amended.

§ 121.16 "United States."

For the purposes of this subchapter the term "United States," when used in the geographical sense, unless otherwise expressly defined, includes the several States, the insular possessions of the United States, the Canal Zone, the District of Columbia, and any territory over which the United States exercises all and any powers of administration, legislation, and jurisdiction.

§ 121.17 Person.

For the purposes of this subchapter the term "Person" includes a partnership, company, association, corporation, firm, society, or joint stock company, as well as a natural person.

§ 121.18 Export.

For the purposes of this subchapter the term "export" means the sending or taking out of the United States in any manner any article, equipment, or technical data on the U.S. Munitions List except as may be otherwise expressly provided in a particular context.

§ 121.19 Intransit shipments.

For the purposes of this subchapter equipment on the U.S. Munitions List temporarily entering the United States in transit to another country, including return to the country of export, shall constitute a temporary import for which a Department of State Intransit License (DSP–61) shall be required.

§ 121.20 Licenses.

(a) For the purposes of this subchapter the term "license" denotes a document bearing the word "license" which when dated, sealed, numbered, and signed by the Secretary of State or his authorized designees permits the export, temporary export, or intransit shipment of specific articles on the U.S. Munitions List (See §§ 123.05.)
(b) Licenses shall be issued valid for 6 months unless a different period is expressly stated thereon. The licenses are not transferable.
(c) Upon request by the applicant, licenses for the export of technical data as defined in § 125.01 may be issued valid for 1 year.
(d) No photographic or other copy may be made of an original license unless authorized by the Department of State.

§ 121.21 District Director of Customs.

When used in this subchapter the term "district director of customs" includes the district directors of customs at customs headquarters ports (other than the port of New York, N.Y.); the regional commissioner of customs, the deputy and assistant regional commissioners of customs for customs region II at the port of New York, N.Y.; and port directors at customs ports not designated as headquarters ports.

PART 122—REGISTRATION

Sec.
122.01 Registration requirements.
122.02 Application for registration.
122.03 Refund of fee.
122.04 Notification of changes in information furnished by registrants.
122.05 Maintenance of records by registrants.

PROCEDURES

122.10 Submission of application.

AUTHORITY: The provisions of this Part 122 issued under sec. 414, as amended, 68 Stat. 848, 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

§ 122.01 Registration requirements.

(a) Persons (as defined in § 121.17 of this subchapter) engaged in the business, in the United States, of manufacturing or exporting articles enumerated in the U.S. Munitions List shall be required to register with the Secretary of State.

Manufacturers, whether they engage in export, shall also be required to register.

(b) Persons engaged in the business, in the United States, of exporting articles enumerated in the U.S. Munitions List, and importing such articles under the provisions of Title 26, Code of Federal Regulations, are required to register for a fee with the Secretary of State as exporters, and to register for a fee with the Secretary of the Treasury as importers.

(c) The fabrication of arms, ammunition, and implements of war for experimental or scientific purposes, including research and development, is not considered as manufacture for the purposes of the regulations in this part.

(d) Registration is not required of persons (1) whose pertinent business activities are confined to the production or exportation of unclassified technical data relating to arms, ammunition, and implements of war, or (2) whose export activity is subject to license under the provisions of the Atomic Energy Act of 1954, as amended, and which does not include exports of articles on the U.S. Munitions List.

§ 122.02 Application for registration.

(a) Applicants may be registered for periods of from 1 to 5 years at a time upon submission of a completed Form DSP-9, and payment of a fee as follows:

1 year	$125
2 years	250
3 years	350
4 years	425
5 years	500

(b) A registrant who fails to renew his registration after its lapse and, after an intervening period seeks to register again, shall be liable to pay registration fees if during that period or part thereof he had conducted business activities involving articles enumerated in the U.S. Munitions List.

§ 122.03 Refund of fee.

When a multiple-year registration fee has been paid, a request for refund for whole future years will be honored pro rata only if the person ceases to be a manufacturer or exporter of Munitions List articles during the years for which refund is claimed.

§ 122.04 Notification of changes in information furnished by registrants.

Registered persons must notify the Secretary of State of significant changes in the information set forth in their applications for registration, such as the establishment of a foreign affiliate.

§ 122.05 Maintenance of records by registrants.

(a) Persons required to register must maintain for a period of 6 years, subject to the inspection of the Secretary of State or any person designated by him, records bearing on U.S. Munitions List articles, including records concerning the acquisition and disposition of such articles by the registrant. The Secretary may prescribe a longer or shorter period in individual cases as he may deem appropriate.

(b) Officers of the Office of Security, of the Office of Munitions Control of the Department of State, and of the U.S. Customs Agency Service, Bureau of Customs, Treasury Department, are hereby designated as the representatives of the Secretary of State for the purposes of this section.

PROCEDURES

§ 122.10 Submission of application.

(a) Department of State Form DSP-9, Application for Registration, must be submitted to the Department in original. The Department will not register an applicant who has not satisfactorily replied to all questions on the form or who fails to accompany the application with a payment of one of the fees prescribed in § 122.02(a).

(b) Applications and fees (by money order or check payable to the Department of State) must be mailed or delivered together to the Department as indicated in the instructions on the back of Form DSP-9.

(c) Other matters pertaining to registration requirements should be addressed to the Office of Munitions Control, Department of State, Washington, D.C. 20520.

PART 123—LICENSES FOR UNCLASSIFIED[1] ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Sec.

123.01 Export licenses.
123.02 Imports.
123.03 Intransit license.
123.04 Temporary export licenses.
123.05 License denial, revocation, suspension, or amendment.
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EXEMPTIONS

123.30 Obsolete small arms.
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[1] Provisions for the export of classified arms, ammunition and implements of war are contained in Part 125 of this subchapter.

PROCEDURES

123.50 Applications for licenses.
123.51 Renewal and disposition of licenses.
123.52 Ports of exit or entry.
123.53 Filing of export and intransit licenses with district directors of customs.
123.54 Shipments by mail.
123.55 Temporary exports.
123.56 Domestic aircraft shipments via a foreign country.

AUTHORITY: The provisions of this Part 123 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6 Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104-3-A, 28 F.R. 7231.

§ 123.01 Export license.

Equipment (see § 121.02 of this subchapter for definition) on the U.S. Munitions List shall not be exported from the United States until a license has been obtained from the Department of State, or it is otherwise exempt under other provisions of this subchapter. As a condition precedent for the issuance of an export license, the Department of State may require all pertinent documentary information regarding the proposed transaction, and may also require the execution of an appropriate bond.

§ 123.02 Imports.

Equipment on the U.S. Munitions List shall not be imported into the United States unless (a) it had been previously exported temporarily under a license issued by the Department of State; (b) it constitutes a temporary import under the Intransit License procedure (see §§ 123.03 and 123.09); or (c) its import has been authorized or exempted by the Secretary of the Treasury (26 CFR Part 178).

§ 123.03 Intransit license.

An intransit license shall be required for the temporary entry of any equipment enumerated in the U.S. Munitions List into the United States for transshipment to a third country (see also § 123.35). The Department may require the execution of an appropriate bond. (An Intransit License may also be used for other temporary imports. See §§ 121.19 and 123.09.)

§ 123.04 Temporary export license.

A license for the temporary export of unclassified equipment on the Munitions List may be obtained from the Department of State in lieu of export and import licenses when such equipment will be exported on a temporary basis and will be returned to the United States. The Department may require full documentary information regarding such proposed transaction, and the execution of an appropriate bond. (See § 123.55 for procedures.) With respect to firearms as defined in 26 U.S.C. 5845(a), evidence shall be shown that all applicable requirements of 26 CFR Part 179 have been satisfied.

§ 123.05 License denial, revocation, suspension or amendment.[2]

(a) Licenses may be denied, revoked, suspended, or amended by the Department of State without prior notice whenever the Department deems such action to be advisable in furtherance of (1) world peace; (2) the security of the United States; (3) the foreign policy of the United States; or (4) whenever the Department has reason to believe that section 414 of the Mutual Security Act of 1954, as amended, or any regulation contained in this subchapter shall have been violated.

(b) Whenever a license application is denied, or an outstanding license is revoked, suspended, or amended, the applicant or licensee shall be advised promptly in writing of the Department's decision, together with the reasons therefor as specifically as security and foreign relations considerations permit.

(c) Upon written request within 30 days after receipt of an adverse decision by the Department of State, the applicant or licensee shall be accorded an opportunity to present additional information and a review of the whole case by the Department.

§ 123.06 Foreign trade zones.

A Foreign Trade Zone of the United States is considered an integral part of the United States for the purpose of this subchapter. A license is therefore not required for shipments between the United States and such a Foreign Trade Zone. However, an export license shall be required for all shipments of U.S. Munitions List equipment from such Foreign Trade Zones to other countries.

§ 123.07 Export to warehouses or distribution points outside the United States.

Applications for license to export U.S. Munitions List equipment to warehouses or distribution points outside the United States for subsequent resale will be considered by the Department of State. Licenses issued for such transactions normally will contain conditions for special distribution controls and reporting.

§ 123.08 Export of vessels of war and military aircraft.

(a) The transfer of a privately owned vessel of war as defined by § 121.12 or a privately owned military aircraft as defined in § 121.13 from the United States to foreign registry shall constitute an export for which an approval or license from the Department of State shall be required. If the vessel or aircraft in question is physically located abroad, the written approval of the Department of State shall be obtained before the registry of such vessel or aircraft may be transferred.

(b) The registration under a foreign flag of a privately owned vessel of war or privately owned military aircraft that has not been registered in the United States, but is located in the United States, shall constitute an export for which a license from the Department of State is required.

NOTE: Such transactions may also require the prior approval of the Maritime Administration or the Federal Aviation Administration, as applicable.

§ 123.09 Overhaul, repairs, or modifications of foreign-owned arms, ammunition, and implements of war.

Persons intending to overhaul, repair, or modify foreign-owned arms, ammunition, and implements of war on the U.S. Munitions List, in the United States, shall obtain an Intransit License from the Department of State. The entry of such equipment into the United States for overhaul, repair, or modification shall constitute a temporary import provided it will be returned directly to the country of ownership.

§ 123.10 Country of ultimate destination.

(a) The country designated on the application for an export license as the country of ultimate destination shall be the country in which the equipment shall ultimately receive end use. Such equipment shall not be diverted from that country even though it might have been incorporated through an intermediate process into other end items.

(b) The prior written approval of the Department of State shall be obtained before U.S. Munitions List equipment previously exported from the United States under a license of the Department of State may be resold, diverted, transferred, transshipped, reshipped, or reexported to, or disposed of in any country other than the country of ultimate destination as stated in the export license.

(c) The exporter shall incorporate the following statement as an integral part of the shipper's export declaration, the bill of lading and the invoice, whenever U.S. Munitions List equipment is to be exported: "These commodities are licensed by the U.S. Government for export to (Country of ultimate destination). Diversion contrary to U.S. law is prohibited." The person to whom a license has been granted shall be responsible for the inclusion of such a statement even though the transaction may be handled by a freight forwarder or other forwarding agent.

(d) Applications for export (form DSP-5) of significant combat equipment[3] (and letter applications in cases of significant classified combat equipment) submitted to the Office of Munitions Control shall be accompanied by a "Consignee-Purchaser Transaction Statement" (Form DSP-83) which must be submitted by the foreign importer to the U.S. applicant for export license. The Transaction Statement shall provide that, except as specifically authorized by prior written approval of the Department of State, the ultimate consignee (and purchaser if not the same as the ultimate consignee) will not re-export, resell or otherwise dispose of the equipment enumerated in the application outside the country named as the location of the ultimate consignee. The Office of Munitions Control reserves the right to require a Consignee-Purchaser Transaction Statement with respect to the export of any U.S. Munitions List article.

(e) In applications for export where a Consignee-Purchaser Transaction Statement is required and where both the ultimate consignee and the purchaser are nongovernmental entities, the Department of State may require a Nonretransfer Assurance (DSP-83, Item 8) from the appropriate authority of the foreign importer's government. The Nonretransfer Assurance shall provide that the foreign importer's government undertakes not to authorize the reexport, resale, or other disposition of the equipment enumerated in the application without obtaining the prior written consent of the U.S. Government.

§ 123.11 Movements of vessels outside U.S. territorial jurisdiction.

(a) A license from the Department of State shall be required whenever a vessel on the U.S. Munitions List makes a voyage outside the United States which is deemed an export as defined in § 121.18 of this subchapter.

(b) An export license shall not be required when such a vessel departs from the United States without entering the territorial waters of a foreign country, provided no arms, ammunition, or implements of war, or technical data related thereto are carried as cargo. In the event that such a vessel shall enter the territorial waters of a foreign country before returning to the United States, or carries as cargo arms, ammunition, or implements of war, or technical data related thereto, a License for Temporary Export (DSP-73) shall be obtained from the Department of State. (See §§ 123.04 and 123.55.)

§ 123.12 Canadian shipments.

District directors of customs and postmasters may release unclassified Munitions List equipment (as defined in § 121.01 of this subchapter) to Canada without an export license with the following exceptions:

(a) Intransit shipments through the United States to or from Canada, or intransit shipments through Canada from the United States;

(b) Helium gas as defined in Category XV;

(c) Nuclear weapons strategic delivery systems and all specifically designed

[2] The provisions of § 123.05 are also applicable to applications and licenses for the export of technical data (see Part 125 of this subchapter).

[3] Significant combat equipment shall include the articles (not including technical data) enumerated in categories I (a), (b) and (c) (in quantity); II (a) and (b); III(a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) (inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (l); XII(a); XIV (a), (b), (c), and (d); XVI; and XVII.

components, parts, accessories, attachments, and associated equipment therefor;

(d) Nuclear weapons design and test equipment as defined in Category XVI;

(e) Naval nuclear propulsion equipment as defined in Category VI(e);

(f) Aircraft as defined in Category VIII(a).

§ 123.13 Shipments between U.S. possessions and the Panama Canal Zone.

Export licenses shall not be required for shipments of equipment on the U.S. Munitions List between the United States, U.S. possessions, and the Panama Canal Zone. Licenses, however, are required for shipments between these areas and foreign countries.

§ 123.14 Domestic aircraft shipments via foreign ports.

A license is not required for airborne shipments of arms, ammunition, and implements of war being transported from one port in the United States to another U.S. port via a foreign country. In lieu thereof, a statement is required of the pilot (see § 123.56).

§ 123.15 Import certificate/delivery verification procedure.

(IC/DV) General. The United States and a number of foreign countries have agreed on a procedure designed to assure that certain commodities imported into their territories will not be diverted, transshipped, or reexported to another destination except in accordance with export control regulations of the importing country. The procedure covered by such agreement is known as the Import Certificate/Delivery Verification Procedure (IC/DV) and may be invoked with respect to equipment on the U.S. Munitions List.

(a) *Exports.* As a supplement to normal control procedures, the Department may utilize the IC/DV procedure on proposed exports of Munitions List equipment to nongovernment entities in the following countries: Austria, Belgium, Denmark, France, Federal Republic of Germany, Greece, Hong Kong, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom. In each case in which the Department invokes the IC/DV procedure, U.S. exporters will be required to submit, in addition to an export license application (a completed form DSP-5), the original Import Certificate authenticated by the government of the importing country. This document will serve as evidence that the foreign importer has complied with the import regulations of the government of the importing country and that he has declared his intentions not to divert, transship or reexport the material described therein without prior approval of that government. After delivery of the commodities to the foreign consignee, the Department may also require U.S. exporters to furnish documentation (Delivery Verification) from the government of the importing country attesting to the delivery in accordance with the terms of the approved export license. Both the Import Certificate and the Delivery Verification will be obtained and furnished to the U.S. exporter by the foreign importer.

(b) *Triangular transaction.* When a transaction involves three or more countries which have adopted the IC/DV procedure, governments of these countries may stamp a triangular symbol on the "Import Certificate". This symbol is usually placed on the "Import Certificate" when the applicant for the "Import Certificate" (the importer) has stated either (1) he is uncertain whether the items covered by the "Import Certificate" will be imported into the country issuing the "Import Certificate"; (2) that he knows that the items will not be imported into the country issuing the "Import Certificate"; or (3) that, if the items are to be imported into the country issuing the "Import Certificate", they will subsequently be reexported to another destination. Consequently, it is possible that the ultimate consignee and the country of ultimate destination will not coincide with that of the importer. All parties, including the ultimate consignee in the true country of ultimate destination will be shown on the completed "Import Certificate."

EXEMPTIONS

§ 123.30 Obsolete small arms.

District directors of customs are authorized to permit the export, without a license, of firearms covered by Category I (a) and (e) of the U.S. Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

§ 123.31 Arms and ammunition for personal use.

(a) Subject to the provisions of § 126.01, district directors of customs are authorized to permit, after declaration by the individual and inspection by a customs office, not more than three nonautomatic firearms and not more than 1,000 cartridges therefor, to be exported from the United States without a license, when these firearms are on the person of an individual or with his baggage or effects, whether accompanied or unaccompanied (but not mailed), and are intended exclusively for his personal use for sporting or scientific purposes or for personal protection and not for resale. This exemption extends to not more than three tear gas guns or other type hand dispensers and not more than 100 tear gas cartridges therefor. The foregoing exemption is not applicable (1) to crewmembers of vessels or aircraft unless they personally declare the firearms to a customs officer upon each departure from the United States, and declare the intention to return them on each return to the United States, and (2) to the personnel referred to in § 123.32, infra.

(b) Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit individuals to export ammunition for firearms, without a license, provided the quantity does not exceed 1,000 cartridges (or rounds) in any shipment, and the ammunition is for their personal use and not for resale. The foregoing exemption is not applicable to the personnel referred to in § 123.32.

§ 123.32 Arms for personal use of members of the Armed Forces and civilian employees of the U.S. Government.

The following exemptions shall apply to uniformed personnel of the U.S. Armed Forces and U.S. civilian employees of the U.S. Government (both referred to hereinafter as "personnel") who are assigned abroad for extended duty. These exemptions do not apply to dependents of the personnel.

(a) *Firearms.* District directors of customs are authorized to permit Category I(a) firearms and parts for such weapons to leave (but not be mailed from) the United States without a license provided: (1) They are consigned to servicemen's clubs abroad for uniformed members of the U.S. Armed Forces; (2) in the case of uniformed members of the U.S. Armed Forces and civilian employees of the Department of Defense, they are consigned to the personnel, for their personal use and not for resale, if the firearms are accompanied by a written authorization from the commanding officer; or (3) in the case of other U.S. Government employees, they are consigned to such personnel for their personal use and not for resale, and the Chief of the U.S. Diplomatic Mission, or his designee, in the country of destination, has approved in writing to the Department of State the bringing of specific types and quantities of firearms into that country.

(b) *Ammunition.* District directors of customs are authorized to permit not more than 1,000 cartridges (or rounds) of ammunition for the firearms in paragraph (a) of this section to be exported (but not mailed) from the United States without a license when the firearms are on the person of the owner or with his baggage or effects, whether accompanied or unaccompanied (but not mailed).

§ 123.33 Sample shipments.

Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit a total of not more than three rifles, carbines (excluding automatic and semiautomatic models), revolvers, and pistols to be exported without a license, provided the articles in question are not for sale and will be returned to the original shipper. Customs authorities may also permit the export of sample firearms without a license when they are being returned to their original owner abroad.

§ 123.34 Minor components.

Subject to the provisions of § 126.01 of this subchapter district directors of customs are authorized to permit the export without a license of components and parts for Category I(a) firearms, except barrels, cylinders, receivers (frames), or complete breech mechanisms, when the total value does not exceed $100 wholesale in any single transaction.

§ 123.35 Border shipments and shipments transiting the Panama Canal.

Shipments originating in Canada or Mexico which incidentally transit the United States en route to a delivery point in the country of origin are exempt from the requirement of an intransit license. Vessels transiting the Panama Canal without off-loading cargo are exempt from the requirement of an intransit license.

§ 123.36 Certain helium gas exports.

Subject to the provisions of §§ 121.14 and 126.01 of this subchapter, district directors of customs are authorized to permit the export, without a license, of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases: *Provided*, That the shipment does not exceed 10 cubic feet of "contained helium" to any consignee in any one shipment, and (a) the gas is intended for medical use or for the use of educational and research institutions and laboratories where such organizations have education and research as their primary purpose; or (b) the gas is to be used by U.S. companies to repair or provide maintenance on equipment for which they have contractual responsibilities.

§ 123.37 Propellants and explosives.

Subject to the provisions of § 126.01 of this subchapter, district directors of customs are authorized to permit the export, without a license in any single transaction, of not more than 25 pounds of propellants and explosives for nonexplosive uses, such as for medical uses and laboratory tests. Such shipments must be clearly marked as to content and must not include any materials bearing a military security classification.

§ 123.38 Nuclear materials.

To the extent that equipment, the export of which is controlled by the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, is coextensive with equipment in Category VI(e), Category XVI, and Category XVIII, the provisions of this subchapter shall not apply.

PROCEDURES

§ 123.50 Applications for licenses.[4]

Applications for licenses for the export of arms, ammunition, and implements of war shall be made as follows (on forms dated not earlier than 1968) to the Office of Munitions Control, Department of State, Washington, D.C. 20520:

(a) Applications for export licenses shall be made on Form DSP–5.

(b) Applications for intransit licenses shall be made on Form DSP–61.

(c) Applications for temporary export licenses shall be made on Form DSP–73.

§ 123.51 Renewal and disposition of licenses.

(a) If any licensed commodities are not shipped within the period authorized in the license, a new application for another license shall be submitted therefor. The new application shall refer to the lapsed license and shall not include any commodities other than the unshipped balance of the lapsed license.

(d) Unused, expired, suspended, amended, or revoked licenses shall be returned immediately to the Department of State.

§ 123.52 Ports of exit or entry.

An application for a license shall state the proposed port or ports of exit from, and if applicable, entry into, the United States. If, after the issuance of the license, there will be any change of the port or ports originally stated in the application, the Office of Munitions Control shall be notified immediately by letter of such proposed change, and a copy shall be sent to the district director of customs at the new port.

§ 123.53 Filing of export and intransit licenses with district directors of customs.

(a) Prior to the actual shipment of any arms, ammunition and implements of war on the U.S. Munitions List, the license issued therefor shall be filed with the district director of customs at the port where the shipment is made, except for exports by mail (see § 123.54). A Shipper's Export Declaration (U.S. Department of Commerce Form 7525–V) shall also be filed with, and be authenticated by, the district director of customs before the arms, ammunition, and implements of war are actually shipped for export. The district director of customs shall endorse each license to show the shipments made. Licenses shall be returned by the district director of customs to the Office of Munitions Control, Department of State, upon expiration of the dates stated thereon, or upon the completion of the shipments, whichever first occurs.

(b) District directors of customs are authorized to permit the shipment of arms, ammunition, and implements of war on the U.S. Munitions List identified on any license when the total value of the shipment does not exceed 10 percent of the aggregate value (not quantity) stated in the license.

§ 123.54 Shipments by mail.

Export licenses for U.S. Munitions List equipment being sent abroad by mail shall be filed with the postmaster at the post office where the equipment is mailed. A Shipper's Export Declaration (U.S. Department of Commerce Form 7525–V) shall also be filed with, and be authenticated by, the postmaster before the equipment is actually sent. The postmaster shall endorse each license to show the shipments made. Licenses shall be returned by the postmaster to the Department of State upon expiration of the dates stated thereon or upon completion of the mailings, whichever first occurs.

§ 123.55 Temporary exports.

(a) A License for Temporary Export of unclassified U.S. Munitions List equipment (not technical data) shall be obtained from the Department of State, on Form DSP–73 when such arms, ammunition, and implements of war will be sent temporarily abroad for brief periods and will be returned to the United States in the same condition.

(b) Equipment authorized for temporary export under License for Temporary Export shall be shipped only from a port in the United States where a district director of customs is available. The License for Temporary Export shall be presented to the district director of customs who, upon verification, shall endorse the exit column on the reverse side of the license. The endorsed License for Temporary Export shall be retained by the licensee. In the case of a military aircraft or vessel the endorsed license shall be carried on board such vessel or aircraft as evidence that it has been duly authorized by the Department of State to leave the United States temporarily.

(c) Upon the return to the United States of equipment covered by a License for Temporary Export, the license shall be endorsed in the entry column by the district director of customs. The licensee shall transmit the used license immediately to the Office of Munitions Control, Department of State.

(d) The Department of State may permit a series of temporary exports of aircraft and vessels on the U.S. Munitions List under a single License for Temporary Export. Full details regarding such transactions shall be submitted to the Department on Form DSP–73, supplemented if necessary by a covering letter. Such series of temporary exports shall usually be for a period not exceeding 6 months. The district director of customs shall endorse the License for Temporary Export upon each exit from, and reentry into, the United States. On the final return, the licensee shall transmit the used license immediately to the Office of Munitions Control, Department of State.

(e) All unused Licenses for Temporary Export shall be returned to the Office of Munitions Control, Department of State, prior to, or immediately after, the expiration of the authorized dates stated thereon.

(f) Owners of arms, ammunition, and implements of war on the U.S. Munitions List exported under Licenses for Temporary Export shall be responsible for the acts of their employees, agents, and all authorized persons to whom possession has been entrusted regarding the operation, use, possession, transportation, and handling of such arms, ammunition, and implements of war abroad. All transferees abroad obtaining temporary custody of such arms, ammunition, and implements of war, directly or indirectly, and irrespective of the number of intermediate transfers, shall be bound by the regulations of this subchapter in the same manner and to same extent as the original owner-transferor.

(g) Failure to return immediately a used or a lapsed unused License for Temporary Export to the Office of Munitions Control, Department of State, shall constitute an offense punishable under the provisions of Part 127 of this subchapter.

[4] The procedures governing the export of classified information and equipment are set forth in Part 125 of this subchapter.

(h) Extensions of Licenses for Temporary Export shall be made to the Office of Munitions Control, Department of State, on new application forms (DSP–73), which shall state, inter alia, the port of departure stated in the original application and the name of the new port of departure if different.

§ 123.56 Domestic aircraft shipments via a foreign country.

When airborne shipments of arms, ammunition, and implements of war on the U.S. Munitions List are to be transported from one location in the United States to another location in the United States via a foreign country, the pilot of the aircraft shall file a written statement with the district director of customs at the port of exit in the United States. The original statement shall be filed at the time of exit with the district director of Customs. A duplicate of the statement shall also be filed with the district director of customs at the port of reentry, who shall duly endorse it and transmit it to the district director of customs at the port of exit. The statement shall be as follows:

STATEMENT

DOMESTIC SHIPMENTS VIA A FOREIGN COUNTRY OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR ON THE U.S. MUNITIONS LIST

Under the penalty according to Federal law, the undersigned certifies and warrants that all the facts in this document are true and correct, and that the equipment listed below are being shipped from _____ (U.S. port of exit) via _____ (foreign country) to _____, which is the final (U.S. port of entry) destination in the United States.

Amount	*Description of equipment*	*Value*
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signed _____

Endorsement: Customs Inspector.
Port of exit _____
Date: _____
Endorsement: Customs Inspector.
Port of entry _____
Date: _____

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

Sec.

124.01 Manufacturing license and technical assistance agreements.
124.02 Export of technical data in furtherance of an agreement.
124.03 Deposit of copies of signed agreements with the Department of State.
124.04 Termination of manufacturing license and technical assistance agreements.
124.05 Proposed agreements not concluded.

PROCEDURES

124.10 Required information in agreements.
124.11 Required information in letters of transmittal.

AUTHORITY: The provisions of this Part 124 issued under sec. 414, as amended, 68 Stat. 848, 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

§ 124.01 Manufacturing license and technical assistance agreements.

Proposed agreements and proposed amendments to existing agreements between persons in the United States and persons in foreign countries, private or governmental, for (a) the manufacture abroad, or (b) the furnishing abroad of technical assistance (i.e., the performance of functions and/or the conveyance of information involving the disclosure of technical data) relating to arms, ammunition, and implements of war on the U.S. Munitions List, shall be submitted by letter (not Form DSP–5) to the Office of Munitions Control, Department of State, for approval from the standpoint of world peace, U.S. foreign policy and the security of the United States. Proposed agreements (or amendments thereto) shall not take effect until Department of State approval has been obtained. (Sales representation agreements are not subject to Department of State approval.)

§ 124.02 Export of technical data in furtherance of an agreement.

(a) District directors of customs or postal authorities may permit the export without a license of unclassified technical data, in furtherance of a manufacturing license or technical assistance agreement covering arms, ammunition, and implements of war on the U.S. Munitions List which has been approved in writing by the Department of State, unless the unclassified technical data exceed the technical and/or product limitations approved in the relevant agreement. The U.S. party to the agreement shall certify that the unclassified technical data to be exported comply with the limitations imposed in this subsection. Department of State approval shall be additionally obtained for the export of any portion of the unclassified technical data which may exceed such limitations.

(b) The export of classified information in furtherance of an approved manufacturing license or technical assistance agreement which provides for the transmittal of classified information shall not require further Department of State approval provided:

(1) The U.S. party certifies to the Department of Defense transmittal authority that the classified information does not exceed the technical and/or product limitations in the agreement approved by the Department of State, and

(2) The U.S. party complies with the requirements of the Department of Defense Industrial Security Manual concerning the transmission of such classified information, and any other requirements of cognizant U.S. departments or agencies.

§ 124.03 Deposit of copies of signed agreements with the Department of State.

U.S. parties to manufacturing license and technical assistance agreements shall, within 30 days after their signature and entry into force, file with the Office of Munitions Control, Department of State, one copy of all such agreements concluded with the foreign parties.

§ 124.04 Termination of manufacturing license and technical assistance agreements.

U.S. parties to manufacturing license and technical assistance agreements shall inform the Office of Munitions Control, Department of State, in writing not less than 60 days prior to the expiration date of any such approved agreement of the impending termination of that agreement.

§ 124.05 Proposed agreements not concluded.

Proposed agreements that have been approved by the Department of State, with or without provisos, but not finally concluded with foreign parties for any reason whatsoever, shall be brought to the attention of the Office of Munitions Control, Department of State, within 60 days following a decision not to conclude the agreements.

PROCEDURES

§ 124.10 Required information in agreements.

Proposed manufacturing license and technical assistance agreements (and amendments thereto) shall be submitted in five copies to the Department of State for approval. (Such agreements shall not become effective until the Department's approval has been obtained.) The proposed agreements shall contain, inter alia, the following information and statements in terms as precise as possible, or the transmittal letter shall state the reasons for their omission or variation:

(a) The equipme..t and technology involved as described by military nomenclature, contract number, Federal stock number, nameplate data, or other specific information.

(b) A detailed description of the assistance and information to be furnished and the manufacturing rights to be granted, if any.

(c) The duration of the proposed agreement.

(d) Specific identification of the countries or areas in which manufacturing, production, processing, sale, or other form of transfer is to be licensed.

(e) A statement that reads as follows: "The article to be produced under license, including technical data pertaining thereto, is not authorized to be directly or indirectly sold, leased, released, assigned, transferred, conveyed, or in any manner disposed of in or to Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Rumania, Union of Soviet Socialist Republics, any of the area of Viet-Nam which is under de facto Communist control, and any other area which is determined by the Department of State to be under Communist control."

(f) (1) With respect to all manufacturing license agreements, a statement that reads as follows: "No export, sale,

transfer or other disposition of the licensed article is authorized to any country outside the territory wherein manufacture or sale is herein licensed without the prior written approval of the U.S. Government."

(2) With respect to manufacturing license agreements for significant combat equipment,[1] the Department may require that the prospective foreign licensee furnish an "Nth Country Control Statement" (Form DSP–83a) to the Office of Munitions Control. The Nth Country Control Statement shall provide that the licensee agrees to ensure that any contract or other transfer arrangement with a recipient of the licensed article in any country within the licensed sales territory will include the following provision:

"The recipient shall obtain the approval of the United States Government prior to entering into a commitment for the transfer of the licensed article by sale or otherwise to another recipient in the same or any other country in the world."

[At the option of the parties, the obligation on the licensee as provided in the Nth Country Control Statement (Form DSP–83a) may be included in the manufacturing license agreement.]

[The Office of Munitions Control reserves the right to require an Nth Country Control Statement (Form DSP–83a) or a similar undertaking in the license agreement, at the option of the parties, in connection with the foreign manufacture of any U.S. Munitions List article.]

(g) A statement that reads as follows: "This agreement shall not become effective without the prior approval of the Department of State of the United States Government."

(h) A statement that reads as follows: "This agreement is subject to all the laws and regulations, now or hereafter in effect, of the United States Government and its departments and agencies."

(i) A statement that reads as follows: "The licensor retains the right to terminate this agreement if the United States Government or its departments or agencies disapproves the continuance of the agreement."

(j) A statement that reads as follows:

"(1) It is agreed that sales under contracts made with funds derived through the Military Assistance Program or otherwise through the United States Government will not include either (a) charges for patent rights in which the U.S. Government holds a royalty-free license, or (b) charges for data which the U.S. Government has a right to use and disclose to others, which are in the public domain, or which the U.S. Government has acquired without restrictions upon their use and disclosure to others. However, charges may be made for reasonable reproduction, handling, mailing, and similar administrative costs incident to the furnishing of such data.

"(2) If the U.S. Government is obligated to pay royalties, fees or other charges for technical data, patents and inventions which were background to Licensor prior to any U.S. Government-funded effort for design and development of the items which are the subject of this agreement, and which are involved in the manufacture, use or sale of these items, any such charges, fees or royalties for the use of such rights in connection with any purchases from licensee or its sublicensees with U.S. funds, including those derived from a Mutual Security Program, shall be no greater than such first-mentioned obligation.

"(3) Subject to the provisions of paragraph (2) above, no other fees, charges or royalties in this agreement will be assessed against U.S. Government funded purchases of such items, except that a proportionate share of (a) technical assistance, (b) inventions and data which have been developed entirely without U.S. Government funding, (c) charges made for handling, reproduction and transfer of documentation as provided in this agreement, and (d) the rental or purchase price of machine tools and tooling may, to the extent that such charges are reasonable and related to the proposed procurement, be recognized as items of costs for such purchases."

(k) A statement that reads as follows: "The Licensor and Licensee agree that obligations created by this agreement are subordinate to any obligations created by contracts or subcontracts which they may have individually or collectively with the U.S. Government."

(l) A statement that reads as follows: "Any use of tooling and facilities which the U.S. Government owns or to which it has the right to acquire title must be authorized by the U.S. Government contracting officer."

(m) A statement that reads as follows: "No liability shall be incurred by or attributed to the U.S. Government in connection with any possible infringements of privately-owned patent or proprietary rights, either domestic or foreign, by reason of the U.S. Government's approval of this agreement."

§ 124.11 Required information in letters of transmittal.

An application for approval of a manufacturing license or technical assistance agreement with a foreign person by the Department of State shall be accompanied by an explanatory letter, in original and four copies, containing the following:

(a) A statement giving the licensor's Munitions Control registration number.

(b) A statement identifying any U.S. Government contract under which the equipment or technical data was or were produced, improved, developed, or supplied, or whether derived from any bid or other proposal to the U.S. Government.

(c) A statement giving the military security classification of the equipment or technical data.

(d) A statement reading as follows: "If the agreement is approved by the Department of State, such approval will not be construed by _____ (the applicant) as passing on the legality of the agreement from the standpoint of antitrust laws or other applicable statutes, nor will _____ (the applicant) construe the Department's approval as constituting either approval or disapproval of any of the business terms or conditions between the parties to the agreement."

(e) A statement identifying any patent applications which disclose any of the subject matter of the equipment or technical data covered by secrecy orders issued by the U.S. Patent Office.

(f) A statement that reads as follows: "The _____ (applicant) will not permit the proposed agreement to enter into force until it has been approved by the Department of State."

(g) A statement reading as follows: "Within 30 days the _____ (applicant) will furnish the Department of State with one copy of the signed agreement (or amendment) as finally concluded; will advise the Department of its termination not less than 60 days prior to expiration, including information on the continuation of any rights or flow of technical data to the foreign party; and if a decision is made not to conclude the proposed agreement, will so advise the Department within 60 days."

PART 125—TECHNICAL DATA

Sec.

125.01 Technical data.
125.02 Classified information.
125.03 Export of technical data.
125.04 Export of unclassified technical data.
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125.10 Shipments by U.S. Government agencies.
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125.20 Export of unclassified technical data.
125.21 Export of classified information.
125.22 Certification requirements.
125.23 Filing of licenses for export of technical data.

AUTHORITY: The provisions of this Part 125 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10409; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

NOTE: Export licenses for technical data may be denied, revoked, suspended, or amended by the Department of State. (See § 123.05 of this subchapter.)

§ 125.01 Technical data.

As used in this subchapter the term "technical data" means: (a) Unclassified information related to the use, operation, maintenance, repair, overhaul, production, processing, manufacture, development, engineering, or design of any arms, ammunition, and implements of war on the U.S. Munitions List, or (b) any technology which advances the state-of-the-art or establishes a new art in an area of significant military

[1] Significant combat equipment shall include the articles (not including technical data) enumerated in categories I (a), (b), and (c) (in quantity); II (a) and (b); III (a) (excluding ammunition for firearms in category I); IV (a), (c), and (d); V(b) (in quantity); VI(a) (limited to combatant vessels as defined in § 121.12(a) of this subchapter), (b) inclusive only of turrets and gun mounts, missile systems, and special weapons systems) and (e); VII (a), (b), (c), and (f); VIII (a), (b), (c), GEMS as defined in (k), and inertial systems as defined in (l); XII(a); XIV (a), (b), (c), and (d); XVI; and XVII.

applicability,[1] or (c) classified information as defined in § 125.02.

§ 125.02 Classified information.

As used in this subchapter, the term "classified information" is either (a) equipment, or (b) information (relating to any arms, ammunition, and implements of war on the U.S. Munitions List) which has been assigned a U.S. security classification as requiring protection in the interest of national defense. (Patent applications covered by a secrecy order fall in the same category as classified information. See § 125.05 (d).) See §§ 125.10 and 125.11 for exemptions.

§ 125.03 Export of technical data.

The export controls of this subchapter over technical data (a) apply to the export of unclassified technical data relating to arms, ammunition, and implements of war on the U.S. Munitions List, and (b) classified equipment and classified information relating to arms, ammunition, and implements of war on the U.S. Munitions List as defined in § 125.02. These controls shall apply whenever the information is to be exported by oral, visual, or documentary means. Therefore, an export occurs whenever technical data is, inter alia, mailed or shipped outside the United States, carried by hand outside the United States, disclosed through visits abroad by American citizens (including participation in briefings and symposia), and disclosed to foreign nationals[2] in the United States (including plant visits and participation in briefings and symposia). A license to export technical data shall not be used for foreign production purposes, or for technical assistance in such production, without the specific approval of the Department of State.

§ 125.04 Export of unclassified technical data.

(a) *General.* A license issued by the Department of State shall be required for the export of unclassified technical data relating to any arms, ammunition, and implements of war on the U.S. Munitions List unless otherwise expressly exempted in this subchapter (see §§ 125.10 and 125.11).

(b) *Patents.* A license issued by the Department of State shall be required for the export of unclassified technical data relating to arms, ammunition, and implements of war on the U.S. Munitions List which are included in any application for a foreign patent. This licensing requirement is in addition to the license for foreign filing which must be obtained by an exporter from the U.S. Patent Office during the first 6 months of the pendancy of a patent application. After 6 months, only a Department of State license shall be required. (See § 125.05(d) concerning patent applications covered by a secrecy order.)

(c) *Visits.* A license issued by the Department of State shall be required for the export of unclassified technical data relating to arms, ammunition, and implements of war on the U.S. Munitions List which are to be disclosed to foreign nationals either in connection with visits to foreign countries, including foreign diplomatic missions and consular offices in the United States and abroad, by U.S. persons, or in connection with visits to the United States by foreign nationals, unless otherwise expressly exempted in this subchapter (see § 125.11).

§ 125.05 Export of classified information.

(a) Any request for authority to export classified information by other than the cognizant department or agency of the U.S. Government shall be submitted by letter to the Department of State for approval. (See §§ 125.10 and 125.11 for exemptions.) The letter shall set forth all pertinent information with full details of the proposed transaction. (See § 125.21 for procedure.)

(b) Classified information, as defined in § 125.02, which is approved by the Department of State for export shall be transferred or communicated only in accordance with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of classified information (and any other requirements imposed by cognizant U.S. departments and agencies).

(c) The approval of the Department of State shall be obtained for the export of classified information to be disclosed to foreign nationals either in connection with visits to foreign countries by U.S. persons, or in connection with visits to the United States by foreign nationals, unless the proposed export is expressly exempt under the provisions of this subchapter (see § 125.11). There shall be no release of classified information in any manner or form to any foreign national except as otherwise expressly provided in this subchapter.

(d) All communications relating to a patent application covered by a secrecy order shall be addressed to the U.S. Patent Office. (See 37 CFR 5.11.)

EXEMPTIONS

§ 125.10 Shipments by U.S. Government agencies.

Exports of technical data by U.S. Government agencies are exempt in accordance with Part 126 of this subchapter. This exemption, however, shall not apply when a U.S. Government agency, on behalf of a private individual or firm, acts as a transmittal agent either as a convenience or in satisfaction of security requirements.

§ 125.11 General exemptions.

(a) Except as provided in § 126.01, district directors of customs and postal authorities are authorized to permit the export without a license of unclassified technical data as follows:

(1) If it is in published[3] form and subject to public dissemination by being:

(i) Sold at newsstands and bookstores;

(ii) Available by subscription or purchase without restrictions to any person or available without cost to any person;

(iii) Granted second class mailing privileges by the U.S. Government; or,

(iv) Freely available at public libraries.

(2) If it has been approved for public release by any U.S. Government department or agency having authority to classify information or material under Executive Order 10501, as amended, and does not disclose the details of design, production, or manufacture of any arms, ammunition, or implements of war on the U.S. Munitions List.

(3) If the export is in furtherance of a manufacturing license or technical assistance agreement approved by the Department of State in accordance with Part 124 of this subchapter.

(4) If the export is in furtherance of a contract with an agency of the U.S. Government or a contract between an agency of the U.S. Government and foreign persons, provided the contract calls for the transmission of relevant unclassified technical data, and such data are being exported only by the prime contractor.

(5) If it relates to firearms not in excess of caliber .50 and ammunition for such weapons, except technical data containing advanced designs, processes, and manufacturing techniques.

(6) If it consists of technical data, other than design, development, or production information relating to equipment, the export of which has been previously authorized to the same recipient.

(7) If it consists of operations, maintenance, and training manuals, and aids relating to equipment, the export of which has been authorized to the same recipient.[4]

(8) If it consists of additional copies of technical data previously approved for export to the same recipient.

(9) If it consists solely of technical data being reexported to the original source of import.

(10) If the export is by the prime contractor in direct support and within the technical and/or product limitations of a "U.S. Government approved project" and the prime contractor so certifies. The Office of Munitions Control, Department of State, will verify, upon request, those projects which are "U.S. Government approved", and accord an exemption to the applicant who applies for such verification and exemption, where

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[1] The initial burden of determining whether the technology in question advances the state-of-the-art or establishes a new art is upon the U.S. party or applicant.

[2] The term "foreign nationals" as used in this subchapter means "All persons not citizens of, not nationals of, nor immigrant aliens to, the United States" as defined in the Department of Defense Industrial Security Manual. However, certain other foreign persons may be cleared to have access to technical data. See section 3 of the Industrial Security Manual.

[3] The burden for obtaining appropriate U.S. Government approval for the publication of technical data falling within the definition in § 125.01, including such data as may be developed under other than U.S. Government contract, is on the person or company seeking publication.

[4] Not applicable to technical data relating to Category VI(e) and Category XVI.

appropriate, under this subparagraph.[5]

(11) If the export is solely for the use of American citizen employees of U.S. firms provided the U.S. firm certifies its overseas employee is a U.S. citizen and has a "need to know."[6]

(b) *Plant visits.* Except as restricted by the provisions of § 126.01 of this subchapter:

(1) No license shall be required for the oral and visual disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the data is disclosed in connection with a classified plant visit or the visit has the approval of a U.S. Government agency having authority for the classification of information of material under Executive Order 10501, as amended, and the requirements of section V, paragraph 38(i) of the Industrial Security Manual are met.

(2) No license shall be required for the documentary disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided it is a verbatim presentation of the oral and visual data disclosed under subparagraph (1) of this paragraph.

(3) No Department of State approval is required for the disclosure of oral and visual classified information during the course of a plant visit by foreign nationals provided the visit has been approved by the cognizant U.S. Defense agency and the requirements of section V, paragraph 38(i) of the Defense Industrial Security Manual are met.

§ 125.12 Canadian shipments.

District directors of customs and postal authorities are authorized to permit the export of unclassified technical data to Canada without an export license, except when such technical data relate to the arms, ammunition, and implements of war in § 123.12 of this subchapter.

§ 125.13 Data on nuclear materials.

To the extent that technical data, the export of which are controlled by the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, are coextensive with technical data related to articles in Category VI(e), Category XVI, and Category XVIII, the provisions of this subchapter shall not apply.

PROCEDURES

§ 125.20 Export of unclassified technical data.

(a) *General and visits.* Unless exempted in §§ 125.10 or 125.11 of this subchapter, applications for the export or the disclosure of nonexempt unclassified technical data to foreign persons shall be made to the Department of State on Form DSP–5, accompanied by five copies of the data. In the case of visits, sufficient details of the proposed discussions shall be transmitted in quintuplicate for an adequate appraisal of the data in question.

(b) *Patents.* All requests for approval for the filing of patent applications in a foreign country, and requests for filing amendments, modifications or supplements thereto, shall be made to the U.S. Patent Office in accordance with 37 CFR Part 5, and to the Department of State in accordance with the provisions of paragraph (a) of this section.

§ 125.21 Export of classified information.

Unless exempted in § 125.10 or § 125.11 of this subchapter, applications for approval to export or disclose classified information or classified equipment to foreign nationals shall be submitted to the Department of State by letter (not DSP–5) in quintuplicate, accompanied by 5 copies of any documentary information. The letter shall include, inter alia, statements specifying:

(a) A lead statement giving the licensor's Munitions Control registration number.

(b) The highest degree of security classification of the equipment or information involved, and the authority responsible for assigning such classification.

(c) The cognizant project or contracting agency.

(d) If the equipment or information was not directly contracted for, whether it was derived from U.S. Government sources, project development, bid requirements, or contractual arrangements.

(e) Military nomenclature, contract numbers, and other identifying information.

(f) Location(s) and date(s) where disclosure(s) will be made.

(g) The purpose and the names of the foreign person(s) to whom disclosure(s) will be made.

§ 125.22 Certification requirements.

An exporter in the United States claiming any exemption for the export of technical data in accordance with the provisions of § 125.11, may do so by certifying that the proposed export is covered by the relevant paragraph(s) of that Section. Such certification shall be made by marking the package or letter "22 CFR 125.11 * * * applicable," identifying the specific paragraph(s) under which the exemption is claimed.

§ 125.23 Filing of licenses for export of technical data.

Licenses authorizing the export of technical data shall be presented to, and filed with the appropriate district director of customs or postmaster at the time of shipment or mailing. The district director of customs or postmaster shall transmit the licenses to the Office of Munitions Control, Department of State, in accordance with the instructions contained on the reverse thereof.

PART 126—PROHIBITED SHIPMENTS, TEMPORARY SUSPENSION OR MODIFICATION OF REGULATIONS, EXEMPTIONS, AND RELATION TO OTHER PROVISIONS OF LAW

Sec.

126.01 Prohibited shipments to or from certain countries.
126.02 Temporary suspension or modification of regulations of the subchapter.
126.03 Waiver or exception in hardship cases.
126.04 Shipments by U.S. Government agencies.
126.05 Relation to other provisions of law.

AUTHORITY: The provisions of this Part 126 issued under sec. 414, as amended, 68 Stat. 848, 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; Redelegation of Authority No. 104–3–A, 28 F.R. 7231.

§ 126.01 Prohibited shipments to or from certain countries.

The policy of the United States is to deny licenses and other approvals for U.S. Munitions List articles destined for or originating in Albania, Bulgaria, Communist China, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Outer Mongolia, Poland, Rumania, Union of Soviet Socialist Republics, any of the area of Viet-Nam which is under *de facto* communist control, and to or from any other area where the shipment of Munitions List articles would not be in furtherance of world peace and the security and foreign policy of the United States. The exemptions provided in the regulations in this subchapter, except § 125.11(a) (1) and (2) of this subchapter, do not apply to shipments destined for or originating in any of these proscribed countries or areas.

§ 126.02 Temporary suspension or modification of regulations of the subchapter.

The Director, Office of Munitions Control, Department of State, is authorized to order the temporary suspension or modification of any or all of the regulations of this subchapter in the interest of furthering the objectives of world peace and the security and foreign policy of the United States.

§ 126.03 Waiver or exception in hardship cases.

In bona fide cases showing exceptional and undue hardship, the Director, Office

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[5] Classified information may also be transmitted in direct support of and within the technical and/or product limitations of such verified "U.S. Government approved projects" without prior Department of State approval provided the U.S. party so certifies and complies with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information (and any other requirements of cognizant U.S. Government departments or agencies).

[6] Classified information may also be exported to such certified American citizen employees without prior Department of State approval provided the U.S. party complies with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information (and any other requirements of cognizant U.S. Government departments or agencies). Such technical data or information (classified or unclassified) shall not be released by oral, visual, or documentary means to any foreign person.

of Munitions Control, Department of State, is authorized to make an exception to the regulations of this subchapter after full review.

§ 126.04 Shipments by U.S. Government agencies.

The exportation of Articles on the U.S. Munitions List by any department or agency of the U.S. Government is not subject to the provisions of section 414 of the Mutual Security Act of 1954, as amended. A license to export such articles, therefore, is not required when all aspects of the transaction are handled by a U.S. Government agency. A license shall be required, however, when a private person or forwarding agent is involved in any aspect of the transaction unless the consignor, consignee, and intermediate consignee (if any) are agencies of the U.S. Government and the exportation is covered by a U.S. Government bill of lading. This section does not authorize any government department or agency to export any items listed in § 121.01 of this subchapter which are subject to restrictions by virtue of other statutory provisions.

§ 126.05 Relation to other provisions of law.

The provisions in this subchapter are in addition to, and are not in lieu of, any other provision of law or regulations respecting commerce in arms, ammunition, and implements of war, and technical data relating thereto.

PART 127—VIOLATIONS AND PENALTIES

Sec.

127.01 Violations in general.
127.02 Misrepresentation and concealment of facts.
127.03 Penalties for violations.
127.04 Penalties for violations relating to Southern Rhodesia.
127.05 Authority of district directors of customs.
127.06 Seizure and forfeiture in attempts at illegal exports.

AUTHORITY: The provisions of this Part 127 issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; 18 U.S.C. 1001; 22 U.S.C. 401; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 1068, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231. The provisions of Part 127 regarding exports to Southern Rhodesia, issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287c.

§ 127.01 Violations in general.

It shall be unlawful for any person to export or attempt to export from the United States any of those articles on the U.S. Munitions List without first having obtained a license therefor, unless written approval was obtained from the Department of State or an exemption from this requirement is authorized by this subchapter.

§ 127.02 Misrepresentation and concealment of facts.

(a) It shall be unlawful willfully to use, or attempt to use, for the purpose of exportation of U.S. Munitions List articles, any export or intransit control document which contains a false statement or misrepresents or conceals a material fact. Any such false statement, misrepresentation or concealment of material fact in such a document shall be considered, as made in a matter within the jurisdiction of a department or agency of the United States, in violation of section 1001 of title 18, United States Code and section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934).

(b) For the purpose of this section, the term export control document includes the following when used for the purpose of exportation, or attempted exportation of U.S. Munitions List articles:

(1) Applications for export or intransit license and supporting documents.
(2) Shippers export declarations.
(3) Invoices.
(4) Declarations of destination.
(5) Delivery verifications.
(6) Applications for temporary export license.
(7) Applications for registration.
(8) Purchase orders.
(9) Foreign import certificates.
(10) Bills-of-lading.
(11) Air way bills.
(12) Consignee-purchaser transaction statements.
(13) Nth country control statements.

§ 127.03 Penalties for violations.

Any person who willfully violates any provision of section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934), or any rule or regulation issued under that section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, be fined not more than $25,000, or imprisoned not more than 2 years, or both.

§ 127.04 Penalties for violations relating to Southern Rhodesia.

Any person subject to the jurisdiction of the United States who, with regard to exports from the United States to Southern Rhodesia, willfully violates any provision of section 1(d), of Executive Order 11322 or any rule or regulation contained in this part, or who willfully in a registration or license application makes any untrue statement of a material fact, or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, be fined not more than $10,000, or imprisoned not more than 10 years, or both.

§ 127.05 Authority of district directors of customs.

(a) District directors of customs are authorized to take appropriate action to insure observance of this subchapter as to the exportation, or the attempted exportation, of arms, ammunition, and implements of war, and technical data relating thereto, whether authorized by licenses or written approval issued under this subchapter, including, but not limited to, inspection of loading or unloading of carriers.

(b) Upon the presentation of a license or written approval to a customs officer, authorizing the exportation of arms, ammunition, and implements of war, and technical data relating thereto, the customs officer may require, in addition to such documents as may be required by customs regulations, the production of other relevant documents and information relating to the proposed exportation, including, but not limited to, invoices, orders, packing lists, shipping documents, correspondence, and instructions.

§ 127.06 Seizure and forfeiture in attempts at illegal exports.

(a) Any attempt to export or ship from or take out of the United States any articles on the U.S. Munitions List in violation of the provisions of this subchapter shall constitute an offense punishable under section 401 of title 22 of the United States Code. Whenever it is known or there shall be probable cause to believe that any articles on the U.S. Munitions List are intended to be or are being or have been exported or removed from the United States in violation of law, such articles and any vessel, vehicle or aircraft involved in such attempt shall be subject to seizure, forfeiture and disposition as provided in section 401 of title 22 of the United States Code.

(b) Similarly, any attempt to violate any of the conditions under which a Temporary Export or Intransit License was issued pursuant to this subchapter shall also constitute an offense punishable under section 401 of title 22 of the United States Code, and such articles, together with any vessel, vehicle or aircraft involved in such attempt shall be subject to seizure, forfeiture, and disposition as provided in section 401 of title 22 of the United States Code.

PART 128—ADMINISTRATIVE PROCEDURES

§ 128.01 Exclusion of functions under section 414 of the Mutual Security Act of 1954, as amended.

The functions conferred by section 414 of the Mutual Security Act of 1954, as amended, are excluded from the following sections of the Administrative Procedure Act: 5 U.S.C. §§ 553, 554.

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101 and 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925, 28 F.R. 7231; and Redelegation of Authority No. 104–3–A, 28 F.R. 7231)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective dates: The regulations in Subchapter M shall be effective upon publication in the FEDERAL REGISTER, except (a) the following articles shall

not be subject to Department of State licensing until 42 days after the date of publication: Liquid pepper as listed in § 121.08(4)(c); nitrogen tetroxide as listed in § 121.09(7); and perchloryl fluoride as listed in § 121.09(9)(c); and (b) the following articles shall not be relinquished from Department of State licensing until 42 days after the date of publication: Shotguns with barrels 18 inches and over in length; landing ships (LSSF, LSIL, LSM, and LSSL), landing craft (LCC, LCP, LCR, LCS, LCV), floating dock (YD), floating pile driver (YPD), and dredge (YM), as previously listed in § 121.12.

Dated: July 2, 1969.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[F.R. Doc. 69-8412; Filed, July 16, 1969; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Mont.

On page 9287 of the FEDERAL REGISTER of June 12, 1969, there was published a notice of intention to amend §§ 221.24, 221.26 and 221.28 of title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1970 season.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1970 an assessment of $305,976.29 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 82,057.61 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1970 an assessment of $55,169.18 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,908.72 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1970 an assessment of $23,279.52 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,870.03 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 69-8401; Filed, July 16, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (Sub-No. 13)]

PART 1048—COMMERCIAL ZONES

Rio Grande Border Municipalities, Commercial Zones and Terminal Areas; Postponement of Effective Date

By order of the Commission entered May 7, 1969, and published on page 9870 of the June 26, 1969, issue of the FEDERAL REGISTER, § 1048.101 of Chapter X of Title 49 of the Code of Federal Regulations was amended.

Upon consideration of the record in the above-entitled proceeding, and of the joint petition (letter) of G. Arrendondo Transfer Co., Inc., Gateway Transfer Co., Inc., Southern Trucking Co., Alamo Express, Inc., Brown Express, Inc., Central Express, Inc., and Valley Transit, Inc., filed July 1, 1969, for extension of the time for filing petitions for reconsideration, treated also as a petition for extension of the effective date; and good cause appearing therefor:

It is ordered, That the time on or before which petitions for reconsideration in the above-entitled proceeding may be filed be, and it is hereby, extended to August 4, 1969.

It is further ordered, That the statutory effective date of the order entered May 7, 1969, in the said proceeding be, and it is hereby, postponed from July 12, 1969, to September 8, 1969.

Dated at Washington, D.C., this 10th day of July 1969.

By the Commission, Chairman Brown.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8428; Filed, July 16, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 112, 113, 114]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Standard Requirements

NOTE: This document was published inadvertently in the Rules and Regulations section on page 11489 of the issue for Friday, July 11, 1969. It should appear as set forth herein.

Notice is hereby given in accordance with the provisions contained in section 533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments would add a new Part 113 to Chapter I of Title 9, Code of Federal Regulations in which test methods and procedures to be known as Standard Requirements would be prescribed. Regulations in this proposal would establish the use of Standard Requirements and basic test procedures applicable to biological products.

Authorization for sampling of biological products for test purposes as provided for in §§ 112.26 and 112.27 would be revised and included in § 113.4.

The proposed amendments to Part 114 would remove test requirements in §§ 114.5(c), 114.13, and 114.14, by deletion of such sections and include a revision of such requirements in Part 113. Requirements in § 114.18 are no longer applicable and such section would be revoked.

PART 112—LABELS

1. Part 112 is amended by deleting §§ 112.26 and 112.27. The heading and index is to read as follows:

LABELS

Sec.
- 112.1 Containers.
- 112.2 Required and permitted information.
- 112.3 Diluent labels.
- 112.4 Reference to distributors and permittees.
- 112.5 Review and approval of labels and other material.
- 112.6 Packaging desiccated products.
- 112.7 Special additional requirements.

PART 113—STANDARD REQUIREMENTS

2. Chapter I of Title 9 of the Code of Federal Regulations is amended by adding a new Part 113, reading as follows:

APPLICABILITY

Sec.
- 113.1 Standard requirements—compliance.
- 113.2 Standard requirements—ingredients of biological products.
- 113.3 Standard requirements—sampling of biological products.
- 113.4 Standard requirements—outline of production.
- 113.5 Standard requirements—general testing.
- 113.6 Standard requirements—division testing.
- 113.7 Standard requirements—multiple fractions.
- 113.8 Standard requirements—virus titrations in lieu of tests for antigenicity.

AUTHORITY: The provisions of this Part 113 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

APPLICABILITY

§ 113.1 Standard requirements—compliance.

The regulations in this part apply to each serial or subserial of a licensed biological product manufactured in a licensed establishment and to each serial or subserial of a biological product in each shipment imported for distribution and sale.

§ 113.2 Standard requirements—ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.3 Standard requirements—sampling of biological products.

Each licensee and permittee shall furnish representative samples of each serial or subserial of a biological product manufactured in the United States or imported into the United States as prescribed in paragraphs (a) and (b) of this section. Additional samples may be purchased in the open market by a Division representative.

(a) Prerelease test samples for Division use shall be forwarded to the place designated by the Director and in the number and quantity as prescribed. Comparable samples shall be used by the licensee and permittee for similar tests.

(1) Each licensee shall select prerelease samples as follows:

(i) Nonviable liquid products—either bulk or final container samples of completed product shall be used for inactivation, purity, or potency tests. Biological product in final containers shall be used for sterility tests.

(ii) Viable liquid products; samples shall be in final containers and shall be selected at the end of the filling operation.

(iii) Desiccated products; samples shall be in final containers and shall be selected from various locations within the drying chamber if desiccated in the final container. Biological products desiccated in bulk shall be sampled at the end of the filling operation.

(2) Each permittee shall select prerelease samples so that each serial or subserial in each shipment shall be represented.

(b) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by the licensee or permittee. Each sample shall:

(1) Consist of 5 single dose or 2 multiple dose packages as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment or equivalent set aside by the licensee or permittee, for the exclusive holding of these samples under refrigeration at 35° to 45° F. for 6 months after the expiration date stated on the labels. The samples shall be stored systematically for ready reference and procurement if and when required.

§ 113.4 Standard requirements—outline of production.

(a) To comply with the test requirements in § 114.8(b) of this chapter, each outline shall designate the test methods and procedures by which the biological product shall be evaluated for purity, safety, and potency: *Provided*, That if alternate methods or procedures are authorized, the ones to be used shall be so designated.

(b) The test methods and procedures contained in all applicable Standard Requirements shall be complied with unless otherwise exempted by the Director and provided that such exemption is noted in the approved outline.

§ 113.5 Standard requirements—general testing.

(a) No biological product shall be released prior to the completion of required tests necessary to establish the product to be satisfactory for purity, safety, and potency.

(b) Tests of biological products shall be observed by a competent employee of the manufacturer during all critical periods. A critical period shall be the time of day when certain specified reactions must occur in required tests to properly evaluate the results.

(c) Records of all tests shall be kept in accordance with Part 116 of this chapter. Copies of tests reports shall be submitted to the Division. Blank forms shall be furnished upon request to the Veterinary Biologics Division.

(d) When a serial or subserial has not been found satisfactory by the test methods and procedures designated in § 113.4, and a repeat test is to be conducted, the same test method shall be used.

(e) When new test methods are developed and approved by the Division, biological products shall be evaluated by such methods, and serials or subserials found unsatisfactory when so tested shall not be released for market.

§ 113.6 Standard requirements—division testing.

A biological product shall with reasonable certainty yield the results intended when used as recommended or suggested in its labeling or proposed labeling prior to the expiration date.

(a) The Director is authorized to cause a licensed biological product, manufactured in the United States or imported into the United States, to be examined and tested for one or more of the following: purity, safety, potency, or effectiveness; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) A serial or subserial of a biological product which has not been found satisfactory by applicable test methods or procedures is not in compliance with the regulations in Parts 101 through 121 of this subchapter and shall not be released for market.

§ 113.7 Standard requirements—multiple fractions.

(a) When a biological product contains more than one immunogenic fraction, the completed product shall be evaluated by tests applicable to each fraction.

(b) When similar potency tests are required for more than one fraction of a combination biological product, the same vaccinated animals may be used to evaluate different fractions of the combination biological product provided controls representing each fraction are challenged separately and the vaccinates are challenged with virulent material representing all fractions.

(c) When the same safety test is required for more than one fraction, requirements are fulfilled by satisfactory results from one test of the completed product.

(d) Biological products containing one or more chemically inactivated fraction(s) and one or more live virus or modified live virus fraction(s) shall be prepared as recommended for use and held at room temperature 30 minutes before initiating virus titrations or potency tests.

(e) Virus titrations for a multivirus product shall be conducted by methods which will quantitate each virus.

§ 113.8 Standard requirements—virus titrations in lieu of test for antigenicity.

(a) The Director may exempt a live virus vaccine from a required vaccination-challenge test for release if the efficacy can with reasonable certainty be determined by:

(1) Testing the seed virus for potency in a manner approved by the Director; and

(2) Establishing the lowest satisfactory virus titer based on the minimum protective dose plus an adequate overage allowance for uncertain conditions; and

(3) Conducting virus titrations on each serial or subserial in an accepted titration test system.

(b) One or more serials or subserials of a biological product which has been exempted from a required vaccination-challenge test according to the conditions in paragraph (a) of this section may be subjected to said test by the Division or the licensee. If found unsatisfactory, the biological product shall be removed from the market.

(c) A biological product shall not be exempted under the provisions of paragraph (a) of this section if observation of the vaccinated test animals during the prechallenge period constitutes an irreplaceable safety test.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by deleting §§ 114.5(c), 114.13, 114.14, and 114.18.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 7th day of July 1969.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 69-8197; Filed, July 10, 1969; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1036]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is being considered for July 1969.

The provision proposed to be suspended is § 1036.16(b)(4) which reads "In any month of April through July, the quantity of milk of any producer diverted to nonpool plants that exceeds that physically received at pool plants shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted; and." This provision relates to the point of pricing of producer milk diverted to nonpool plants.

This suspension action was requested by Milk Producers Federation to accommodate the handling of reserve milk for the market. The Governor of Ohio has declared 23 counties as disaster areas due to recent flood and windstorm damage. The cooperative states that because of electrical power failure caused by the storm, the principal pool plant handling reserve milk for the market will be unable to operate for at least 2 weeks. Milk normally received at such pool plant from producers must be diverted to distant nonpool plants. Suspension would result in pricing diverted milk at the location of the pool plant where it is normally received instead of at nonpool plants to which diverted.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C. on July 14, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-8415; Filed, July 16, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[15 CFR Part 602]

ARTICLES CONDITIONALLY FREE: INSTRUMENTS AND APPARATUS FOR SCIENTIFIC AND EDUCATIONAL INSTITUTIONS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Commerce and the Secretary of the Treasury are considering proposed regulations amending the existing

regulations (15 CFR Part 602) implementing section 6(c) of Public Law 89–651, the Educational, Scientific, and Cultural Materials Importation Act of 1966. The purpose of the amended regulations is to prescribe new simplified procedures relating to duty-free entry of certain kinds of instruments and apparatus for nonprofit scientific and educational institutions. These procedures are intended to assist applicants in filing for duty-free entry of scientific instruments and apparatus under the aforementioned Act.

All persons who desire to submit written views or comments on the proposed amended regulations set out below should file them in triplicate with the General Counsel, Department of Commerce, Washington, D.C. 20230, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

PART 602—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

§ 602.1 General provisions.

(a) *Introductory provisions.* The regulations in this part are issued under the authority of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897; see particularly section 6(c) thereof and headnote 6(f) to part 4, of Schedule 8, Tariff Schedules of the United States, section 1202, title 19, United States Code, as added by said section 6(c)). The Act provides, inter alia that any nonprofit institution (whether public or private) established for educational or scientific purposes may obtain duty-free treatment of certain instruments and apparatus entered for its use, if the Secretary of Commerce determines that no instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. A public or private nonprofit institution established for educational or scientific purposes desiring to obtain free entry of an instrument or apparatus under item 851.60, Tariff Schedules of the United States, shall file an application for such entry in accordance with the requirements of 19 CFR 10.115 and 15 CFR 602.2. (All references in this Part 602 to items, headnotes, schedules or parts, unless otherwise indicated, are references to items, headnotes, schedules or parts of the Tariff Schedules of the United States.) If the application is made in accordance with applicable regulations, notice and opportunity to present views will be provided in accordance with § 602.4, subject to § 602.5(e). Thereafter the application shall be reviewed, and a decision made thereon and published in the FEDERAL REGISTER, in accordance with § 602.5. An appeal from any such decision may be taken, in accordance with headnote 6(e) to part 4 of Schedule 8, Tariff Schedules of the United States, only to the U.S. Court of Customs and Patent Appeals and only on a question or questions of law, within 20 days after publication of the decision in the FEDERAL REGISTER. If at any time while its application is under consideration by the Secretary of Commerce or by the Court of Customs and Patent Appeals on an appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which the application relates or ceases to have a firm intention to order such instrument or apparatus, the institution shall promptly notify the Administrator or such Court, as the case may be.

(b) *Definitions.* (1) "Instruments and apparatus" shall embrace only instruments and apparatus classifiable under the tariff items specified in headnote 6(a) or part 4 of Schedule 8. A combination of a basic instrument or apparatus and additional components shall be treated as a single instrument or apparatus hereunder provided that, under normal commercial practice, such combination is considered to be a single instrument or apparatus and provided further that the applicant has ordered or, upon favorable action on its application, firmly intends to order the combination as a unit.

(2) "Accessory" shall have the meaning which it has under normal commercial usage. An accessory for which duty-free entry is sought under item 851.60 shall be the subject of a separate application when it is not an accompanying accessory.

(3) "Foreign instrument" shall mean an instrument, apparatus or accessory for which duty-free entry is sought under item 851.60. However, "foreign instrument" does not include repair components, which enter under item 851.65.

(4) "Accompanying accessory" shall mean an accessory for a foreign instrument that accompanies it in the same shipment and that is necessary for accomplishment of the purposes for which the foreign instrument is intended to be used. Only one application shall be required for a foreign instrument and its accompanying accessories.

(5) Unless context indicates otherwise, "article" shall mean a foreign instrument and its accompanying accessories.

(6) "Domestic instrument" shall mean an instrument, apparatus or accessory which is produced in the United States.

(7) "Pertinent specification" of an instrument, apparatus, or accessory shall mean those guaranteed structural, operational, performance and other characteristics specified for the instrument, apparatus, or accessory that are necessary for the accomplishment of the purposes described by the applicant in responses to Question 7 of form BDSAF–768, "Request for Duty-Free Entry of Scientific Instruments or Apparatus," excluding from consideration those purposes excluded by headnotes 1 or 6(a) to Part 4, Schedule 8, Tariff Schedules of the United States (TSUS). The term does not extend to such characteristics as size, durability, complexity or ease of operation, ease of maintenance and versatility, unless the applicant can demonstrate that they are necessary for accomplishing the purposes for which the article is intended to be used. The term does not include cost differences between the domestic and foreign instrument, apparatus or accessory.

(8) "Administrator" shall mean the Administrator, Business and Defense Services Administration of the Department of Commerce, or such official as may be designated to act in his behalf in this matter.

(c) *Applications and comments.* Applications (19 CFR 10.115 and 15 CFR 602.2) and comments (§ 602.4) shall be in writing, typed or printed, in the English language and legible. Copies of relevant documents, such as manufacturers' specifications, advertisements for bids, correspondence relating to availability of instruments or apparatus or the like, should be made a part of an application or comments if fully identified. Each copy should be permanent and legible, and shall be attached as part of the response to the question to which it relates. A document in a foreign language shall be accompanied by an accurate translation.

(d) *Exclusion from duty-free entry under Headnote 6(a).* Certain articles will be excluded from duty-free entry as prescribed in 19 CFR 10.114(c).

(e) *Scientific equivalency.* The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent specifications of the most closely comparable domestic instrument. The guaranteed specifications for the foreign article will be considered in the comparison, including any amendments to the guaranteed specifications which have been inserted in the record. Similarly, the guaranteed specifications for the most closely comparable domestic instrument will be considered including any amendments to the guaranteed specifications which have been inserted in the record. In the comparison, the Administrator may consider any reasonable combination of domestic instruments and accessories as being comparable to a foreign instrument that combines two or more functions in an integrated unit, if the combination of domestic instruments and accessories is capable of accomplishing the purposes for which the foreign instrument is intended to be used. If the Administrator finds that at least one domestic instrument or reasonable combination of domestic instruments does possess all the pertinent specifications of the foreign article, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as described in the response to Question 7 of Form BDSAF–768. Otherwise, he shall find to the contrary.

(f) *Domestic manufacturer.* An instrument, apparatus or accessory shall be considered as being manufactured in the United States if they are customarily produced for stock in anticipation of a sale, produced according to manufacturer's specifications only after receipt of order, or custom-made. Produced for stock, produced on order, and custom-made shall have the following meanings:

(1) *Produced for stock.* An instrument, apparatus, or accessory shall be considered to be produced for stock if it was manufactured in the United States, is on sale and available from a stock in the United States.

(2) *Produced on order.* An instrument, apparatus, or accessory shall be considered to be produced on order if a domestic manufacturer lists it in a current catalog and is able and willing to produce the instrument, apparatus or accessory within the United States and have it available without unreasonable delay to the applicant. In determining whether a U.S. manufacturer is able and willing to produce such instrument, apparatus or accessory and have it so available, the Administrator shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category.

(3) *Custom-made.* An instrument, apparatus, or accessory shall be considered to be custom-made if it is an instrument, apparatus, or accessory made to purchaser's specifications. In determining whether a domestic manufacturer is able to produce a custom-made instrument, apparatus, or accessory as defined herein, the Administrator shall take into account the production experiences of the domestic manufacturer with respect to the types and complexity of products, the extent of the technological gap between the instrument, apparatus, or accessory to which the application relates and the manufacturer's customary products, and the availability of the professional and technical skills, as well as manufacturing experience, essential to bridging the gap and the time required by the domestic manufacturer to produce an instrument, apparatus, or accessory to purchaser's specifications.

(g) *Excessive delivery time.* Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to Question 7, if the delay in obtaining such domestic instrument, apparatus or accessory (as indicated by the difference between the delivery times quoted respectively by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Administrator shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

(h) *Entry and liquidation.* Entry and liquidation procedures are prescribed in 19 CFR 10.114(d).

§ 602.2 Application for duty-free entry of foreign instruments.

(a) *Additional requirements applicable to applications.* Business and Defense Services Administration Form 768 (BDSAF-768), "Request for duty-free entry of scientific instruments and apparatus," a sample of which is set forth as Appendix A hereto and is hereby made a part hereof, shall be used in the preparation of an application. Seven copies of the form shall be completed in accordance with paragraph (b) of this section. Question 1, 2, 3, 4, 6, and 10 of the form shall be answered by an authorized fiscal officer of the applicant institution; questions 5, 7, 8, and 9 shall be answered by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is thoroughly familiar with the specific program requiring an instrument, apparatus, or accessory having the pertinent specifications of the foreign instrument. Two of such forms shall be executed in original by the aforementioned persons; five shall be conformed copies. The seven completed copies of the form, with the attachments required to complete fully should be filed with the Commissioner of Customs, Attention: Tariff Classification Rulings, Washington, D.C. 20226.

(b) *BDSAF-768.* The applicant should answer all applicable questions appearing on BDSAF-768. The following instructions are to be followed in completing the form. Unless otherwise indicated from context, terms used in the form have the meanings defined in § 602.1(b).

(1) *Question 5 (Description of article).* A single application (in the required number of copies) may be submitted for any quantity of the same type or model of the foreign instrument, apparatus or accessory, provided that all of that quantity are intended to be used for all of the purposes described in the response to Question 7. If the purchase order includes different types or models of the same category of instruments, apparatus or accessory, a separate application shall be submitted for each type or model although all may be intended for the same purposes. The specifications of the foreign manufacturer or facsimile thereof shall be included in the response to Question 5. These specifications shall be in a form that permits comparison with customary specifications for comparable domestic instrument, apparatus, or accessories. If the technical nature of the foreign instrument, apparatus, or accessory is such that the specifications for a performance capability may vary according to variations in test procedures, sample material, sample size and other parameters, the specifications for the article shall identify the relevant parameters. In the case of produced-on-order or custom-made instruments, apparatus, or accessories, the response to Question 5 shall include a statement from the foreign manufacturer attesting to the degree of compliance with purchaser's specifications.

(2) *Question 6 (Serial number(s)).* If the serial numbers of the foreign instrument and accompanying accessories are not known when the application is submitted, they shall be supplied in writing to the Administrator promptly when they become known to the applicant.

(3) *Question 7 (Intended purposes).* The response to this question shall describe the intended purposes of the article in sufficient detail to permit identifying each specification of the article that is alleged to be pertinent with the particular purpose(s) and the related objective(s) for the accomplishment of which the specification is claimed to be necessary. If the article is intended to be used in both research and educational programs, the purposes and relevant objectives of each program shall be described separately.

(4) *Question 8 (Justification for duty-free entry)*—(i) *No instrument, apparatus, or accessory of the same general category is being manufactured in the United States.* The term "same general category" shall mean the category in which an instrument, apparatus or accessory is customarily classified in trade directories and product-source lists (electron microscopes, mass spectrometers, light microscopes, X-ray spectrometers, and the like). If any instrument, apparatus, or accessory of the same general category is being manufactured in the United States, without regard to the degree of comparability with the article, the applicant shall justify the nonequivalency of such instrument, apparatus, or accessory in accordance with subdivision (ii) of this subparagraph.

(ii) *No instrument, apparatus, or accessory being manufactured in the United States is of equivalent scientific value to the article for such purposes as described in response to Question 7.* The comparison of the alleged pertinent specifications of the article shall be made with similar specifications of the most closely comparable instrument being manufactured in the United States. The term "most closely comparable instrument" shall mean the domestic instrument(s) or apparatus and accessories that most closely fulfill the applicant's technical requirement described in response to Question 7, without regard to differences in cost, design or structural characteristics. In making the comparison only the article and accompanying accessories described in respose to Question 5 and the purposes described in response to Question 7 shall be considered. The planned purchase of additional accessories or the planned conversion of the article at some unspecified future time, for programs that may probably be undertaken in some unspecified future period, shall not be considered in the comparison.

(iii) *Excessive delivery time.* The applicant should set forth the shortest delivery times quoted respectively by the manufacturer of the foreign article and the manufacturer(s) of the equivalent domestic instrument or apparatus from the place of shipment to the site where the instrument or apparatus is to be delivered. The applicant should also state how the difference in the delivery times quoted respectively by the foreign manufacturer and domestic manufacturer(s) will seriously impair the purposes described in response to Question 7.

(5) *Question 9 (Basis for response to Question 7).* The response to this question should indicate the efforts made by the applicant to ascertain whether there was being manufactured in the United States an instrument, apparatus or accessory of equivalent scientific value to the foreign article for the purposes described in response to Question 7, as well as the reasons for the applicant's selection of the particular type or model for comparison with the article in response to Question 8b when more than one type or model of the same manufacturer was available. If domestic manufacturers were afforded an opportunity to bid, the response to Question 9 should indicate the manner in which such opportunity was offered, such as formal invitation to bid that included a description of applicant's technical requirements. Copies of any correspondence between the applicant and domestic manufacturers should be appended to Form BDSAF-768.

(6) *Question 10 (Information on entry of article).* If the required information regarding the entry of the article is not available to the applicant at the time form BDSAF-768 is prepared, this information shall be transmitted promptly to the Administrator as soon as it becomes known to the applicant.

§ 602.3 Review of the application by the Commissioner of Customs.

Applications will be processed by the Commissioner of Customs as set forth in 19 CFR 10.116. Applicants shall inform the Administrator of entry number, date of entry, port of entry and the Customs district through which the foreign instrument has been entered and the application number to which such entry relates, as prescribed in 19 CFR 10.116(c).

§ 602.4 Public notice of application and opportunity to present views.

(a) *Publication of Notice.* Upon receipt from the Commissioner of Customs of an application that has been found by him to be in accordance with applicable regulations, the Administrator shall assign it a docket number and, subject to § 602.5(e), cause an appropriate notice to be published in the FEDERAL REGISTER to afford reasonable opportunity for presentation of views with respect to the question "whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." (Headnote 6(c) to part 4 of Schedule 8.) The complete notice shall include the date on which the Commissioner of Customs received the application, the docket number and applicant's answer to Questions 1, 2, 5, and 7. The date of the last day of the period for comment shall be 20 days after the date on which the notice of the application is published unless a later date for such last day is published in the notice. As soon as the notice of an application is filed with the FEDERAL REGISTER, the Administrator shall make a copy of the application available for public review during ordinary business hours.

(b) *Additional requirements applicable to comments.* Persons who are authorized by Headnote 6(e) to appeal an adverse finding to the Court of Customs and Patent Appeals (hereinafter called "parties") and who wish to comment must submit their views and comments in one of the formats stated in paragraph (c) of this section. Views and comments from other interested persons and Government agencies will be received in any written form complying with § 602.1(c); however, one of the formats of paragraph (c) of this section should be used if feasible. Any comment, to be placed upon the record, must be submitted in three (3) copies and must state the name and address of the person submitting the comment and the docket number of the application to which the comment applies. Since each application file must be complete in itself, a separate set of copies of a comment must be furnished for each application to which the comment pertains, even though the sets of copies pertaining to two or more applications may be identical. Comments should be addressed to the Administrator.

(c) *Formats for comments.* Comments favoring the granting of an application should be in the form of supplementary answers to pertinent questions in § 602.2, and should avoid duplication of the content of the application insofar as is practicable. Comments opposing the granting of an application should be in the following form:

(1) State name and address of the party commenting.

(2) State the docket number of the application to which the comment applies.

(3) List instruments or apparatus considered by the party to be scientifically equivalent to the foreign instrument and its accompanying accessory(ies) and to be presently manufactured in the United States. Provide pertinent specifications for instruments or apparatus manufactured by the party.

(4) Direct the comments to the applicant's response to Question 8 and, with respect to each specification of the article (accompanying accessories) listed as pertinent therein demonstrate:

(i) That the specification can be equalled or exceeded with the instrument or apparatus (accompanying accessories) described in subparagraph (3) of this paragraph; or

(ii) That although the instrument or apparatus (accompanying accessory) differs in design, it is nonetheless functionally equivalent (superior) because it is as capable as or better than the article in fulfilling the purpose(s) relevant to the specification; or

(iii) The specification is not pertinent because it does not relate to one or more purposes described by the applicant in response to Question 7, being rather a convenience or representing personal preferences, cost factors and the like.

(5) Where the comments regarding subparagraph (4) (i) or (ii) of this paragraph, relate to a particular accessory or optional device offered by the domestic manufacturer, cite the type, model, or other catalog designation of the accessory or device and include the specifications therefor in the comments.

(6) Where the justification for duty-free entry is based on excessive delivery time, show whether:

(i) Such instruments or apparatus are as a general rule either manufactured for stock, produced on order, or are custom-made;

(ii) An instrument or apparatus of equivalent scientific value to the article, for the purposes described in response to Question 7 could have been produced and delivered to the applicant within a reasonable time following the receipt of the order.

(7) Indicate whether the applicant afforded the domestic manufacturer an opportunity to furnish an instrument or apparatus (accessories) of equivalent scientific value to the article for the purposes described in response to Question 7 and, if such be the case, whether the applicant submitted a formal invitation to bid that included the technical requirements of the applicant.

§ 602.5 Review and findings of the Department of Commerce.

(a) *Effect of expiration of the period for comment.* The Administrator shall assemble the application, and those comments meeting the requirements of § 602.4(b), into a record. After the period, for comment (§ 602.4(a)), has ended, he shall not place explanations, arguments, or recommendations, other than those obtained from any selected Federal agency(ies) pursuant to paragraph (b) of this section, in the record in any form. He shall treat written comments received after the period for comment has ended as offers to provide additional information (see paragraph (c) of this section) to the extent that they contain factual information, as contrasted with arguments, explanations or recommendations.

(b) *Administrator's additions to the record.* The Administrator may add to the record such additional written factual information available within the Executive Branch of the Government, and such printed information generally available to the public, as he deems appropriate and pertinent. He may also obtain for the record an opinion on any issue before him and reasons therefor from any agency of the Government which he regards as having particular competency in the field in question.

(c) *Additional information from parties.* If it appears to the Administrator that the information in the record is not sufficient to enable him to render a decision, if the action of denial without prejudice (paragraph (e) of this section) appears to be inappropriate, and if it further appears that certain additional specific factual information will cure the insufficiency of the record, the Administrator in his discretion may request and place in the record such additional factual information as he feels will enable

him to render a decision, from that party or those parties that appear best suited to provide the information. The Administrator may attach appropriate conditions and time limitations upon the provision of such information, and may draw appropriate inferences from the failure of a party to provide the information requested from him. The Administrator shall not, under this procedure, place arguments, explanations, or recommendations upon the record. The Administrator may also, in his discretion, request from any party or parties to a proceeding hereunder, and place in the record, such additional affirmations as he deems necessary to enable him to render a decision.

(d) *Decision on the application.* The Administrator shall prepare a written decision granting or denying the application in whole or in part. The decision shall be in the form of one or more findings stating whether an instrument or apparatus of equivalent scientific value to the article for which duty-free entry is sought, for the purposes for which it is intended to be used, is or is not being manufactured in the United States, and it shall include a statement of his reasons for the finding(s). He shall transmit the decision to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant. At the same time, he shall make a copy of the record available for public review. (Copies of materials received pursuant to paragraphs (a) and (c) of this section which were not entered in the record pursuant to this section shall also be made available for public review. The Administrator may dispose of such materials at any time after final disposition of the application.) Pursuant to 19 CFR 10.117, the Administrator shall notify the district director of customs for the district in which entry of the merchandise in question was made, or the Commissioner of Customs if the district of entry is not known to the Administrator, of the final disposition of each application. If the Administrator thereafter receives notice from the applicant in accordance with 19 CFR 10.116(c), he shall then notify said district director of the final disposition of the application. For purposes of this subsection, disposition of an application shall be deemed final (1) when 20 days have elapsed after publication of the decision in the FEDERAL REGISTER and no appeal has been taken pursuant to § 602.1, or (2) if such appeal has been taken, when final judgment is made and entered by the U.S. Court of Customs and Patent Appeals.

(e) *Denial without prejudice to resubmission.* The Administrator may deny an application without prejudice to its resubmission but otherwise in accordance with paragraph (d) of this section, if the application contains a deficiency which, in his opinion, prevents its consideration on its merits. The Administrator shall state the deficiencies of the application in writing when making such a denial. A copy of the notice of such denial shall be transmitted to the Secretary of Health, Education, and Welfare and the Commissioner of Customs. A copy shall also be transmitted to the district director of Customs for the port of entry concerned, if the information requested in Question 10 of form BDSAF–768 has been furnished by the applicant by the time the notice of denial without prejudice to resubmission was being prepared. The applicant shall on or before the 20th day following the date of such notice, inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 9th day period. The resubmitted application shall indicate in the space provided therefor in form BDSAF–768 the docket number of the original application. If the applicant fails, within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of paragraph (d) of this section. In such a case, the Administrator shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant. At the same time, he shall make a copy of the record available for public review.

(f) *Outstanding denials without prejudice to resubmission.* An applicant whose application has been denied without prejudice to resubmission prior to the effective date of these regulations shall on or before the 20th day following the effective date of these regulations inform the Administrator whether it intends to submit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the effective date of these regulations. The resubmitted application shall indicate in the space provided therefor in form BDSAF–768 the docket number of the original application. If an applicant fails, within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of paragraph (d) of this section. In such cases, the Administrator shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs and to the applicant. At the same time, he shall make a copy of the record available for public review.

FOREST D. HOCKERSMITH,
Acting Administrator, Business and Defense Services Administration.

KENNETH N. DAVIS, Jr.,
Assistant Secretary, Domestic and International Business.

EUGENE T. ROSSIDES,
Assistant Secretary, Department of the Treasury.

APPENDIX A—SAMPLE FORM BDSAF–768

U.S. DEPARTMENT OF COMMERCE, BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Treasury Department, Bureau of Customs

REQUEST FOR DUTY-FREE ENTRY OF SCIENTIFIC INSTRUMENTS OR APPARATUS

Mail application to: Bureau of Customs, Washington, D.C. 20226.
For use only by Bureau of Customs:
Date received by Customs _____
Customs' application number _____
For use only by Department of Commerce:
Docket No. _____

TO BE COMPLETED BY APPLICANT

NOTE: To avoid delays in processing this application due to omission of essential information, study the section of the regulations cited for each item. Where detailed information is indicated, this should be furnished on separate sheets of paper. In addition to numbering the item to which the information is related, the applicant should identify each sheet with the name of the institution and the article for which duty-free treatment is requested.

1. Name of applicant institution _____

2. Address _____
(Street, City, State, ZIP Code)

3. This is a nonprofit institution established for (check appropriate box)
☐ Scientific purposes.
☐ Educational purposes.

4a. This application is (check appropriate box)
☐ An original application.
☐ A resubmission of Docket No. _____

4b. Applicant has (check appropriate box)
☐ Already placed a bona fide order for the article _____
(date of order)
☐ A firm intention, in event of favorable action on this application to place a bona fide order for the article within the time specified by law.

5. Description of the article and accompanying accessories, for which duty-free entry is requested (section 602.2(b)(1)).

a. Commercially standard catalogued instrument or apparatus (accessories):

(1) Identify the article and each accompanying accessory, according to the foreign manufacturer's type or model number.

(2) Attach the foreign manufacturer's literature (or facsimiles thereof, which describe the article (accessories) and specifies the structural, operational, performance and other characteristics of the article (accessories).

b. Special-order variant of standard catalogued instrument or apparatus, which has been significantly modified according to applicant's specifications, with respect to structural, functional, and/or performance characteristics:

(1) Identify the article according to its standard nomenclature and foreign manufacturer's type or model number.

(2) Attach a copy of the applicant's specifications describing the required modifications.

(3) Attach a copy of the literature describing the foreign article when sold as a standard instrument or apparatus.

(4) Indicate the extent to which each of the performance specifications applicable to the standard instrument or apparatus have been increased or decreased, if the modifications resulted in a change in the original performance parameters.

c. Article custom-made entirely to applicant's specifications:

(1) Attach a copy of applicant's specifications.

(2) Attach a statement from foreign manufacturer indicating whether the article fulfills applicant's specifications described in (1) above, or the extent to which the article deviated from these specifications.

6. If known at the time the application is submitted, furnish the serial number of the article and each accompanying accessory described in item 5. If the serial numbers are not furnished with the application, they shall be supplied to the Administrator as soon as they become known to the applicant, identifying the docket number of the application to which the article (accessories) relate (section 602.2(b)(2)).

7. Purposes for which article (accessories) is intended to be used.

a. Description of research purposes should include (section 602.2(b)(3)):

(1) The identity of the materials or phenomena to be studied.

(2) The properties of the materials or phenomena to be investigated.

(3) The experiments to be conducted.

(4) The objectives pursued in the course of the investigations.

(5) The techniques used in employing the article (accessories) in achieving the objectives.

b. Description of educational purposes should include:

(1) Name and content of course(s) in which article (accessories) will be used.

(2) Objectives of the course(s).

(3) Techniques used in employing article (accessories) in achieving educational objectives.

8. Justification for duty-free entry of article.

a. No instrument or apparatus of the same general category as the article is being manufactured in the United States (section 602.2(b)(4)(i)).

b. No instrument or apparatus in the same general category as the article, which is being manufactured in the United States, is of equivalent scientific value to the article for the purposes described in item 7 (section 602.2(4)(ii)).

(1) Identify the domestic manufacturer(s) and the respective type or model number(s) of the instrument(s) or apparatus with which the article has been compared.

(2) List the structural, performance, and other characteristics of the article which are not possessed by the most closely comparable domestic instrument(s) or apparatus.

(3) Relate each characteristic listed in (3) above to one or more purposes described in item 7, by explaining why either (a) the availability of the characteristic permits you to accomplish the relevant purpose(s) that otherwise could not be achieved without the characteristic or, (b) the characteristic permits you to carry the relevant purpose(s) further than can possibly be carried with the similar characteristic of the domestic instrument(s) or apparatus.

c. Excessive delivery time, without regard to scientific equivalency of available domestic instrument(s) or apparatus (section 602.2(b)(4)(iii)).

(1) State the shortest delivery time quoted by any domestic manufacturer of an instrument or apparatus comparable to the foreign article, from place of shipment to site where instrument or apparatus is to be delivered.

(2) State the delivery time quoted by the foreign manufacturer, from place of shipment to site where article is to be delivered.

(3) Explain why the delay in receiving a domestic instrument or apparatus of equivalent scientific value to the foreign article for the purposes described in item 7, shown by the difference between (1) and (2) above, would seriously impair the achievement of these purposes.

9. Description of efforts made by applicant to ascertain the availability of a domestic instrument or apparatus of equivalent scientific purposes to the foreign article, for the purposes described in item 7 (section 602.2(b)(5)).

a. List names of domestic manufacturers contacted and indicate whether:

(1) Domestic manufacturer(s) was (were) furnished with a description of your technical requirements, such as presented in item 7.

(2) Domestic manufacturer(s) was (were) requested to bid on an instrument or apparatus in the same technologically competitive class as the article (i.e., one capable of fulfilling the performance and other relevant specifications of the article) without reference to cost limitations, instructed to bid with reference to stipulated limitations on the cost of the instrument or apparatus.

(3) Domestic manufacturer(s) replied to the invitation to bid with an offer to furnish either (a) a standard catalogued instrument or apparatus, or (b) to modify a standard catalogued instrument or apparatus to the extent necessary to meet the applicant's technical requirements.

b. If no domestic manufacturers were contacted prior to deciding to purchase the article, indicate the basis for concluding that none of the instruments or apparatus in the same general category as the article, which were being manufactured in the United States, was scientifically equivalent to the article for the purposes described in item 7.

10. Entry of article (section 602.2(b)(6)).

a. If article had been entered prior to submitting this application, indicate:

(1) Port of entry.

(2) Date of entry.

(3) Entry number.

b. If firm order has been placed for article subsequently to submitting this application, the information regarding port of entry, date of entry and entry number should be transmitted immediately following entry of the article to the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230.

CERTIFICATION

The applicant is informed and believes that no instrument or apparatus of equivalent scientific value, for the purposes stated in reply to question 7 above, is being manufactured in the United States.

The above-named applicants requests that this application for duty-free importation under Public Law 89-651 be approved and certifies that all staments in this application are true or believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any duty-free importation entered thereon.

Typed name and title of authorized fiscal officer:

(Signature)

Area Code_____
Telephone number_____
Date_____
Typed name and title of official under whose direction and control the foreign article will be used:

(Signature)

Area code_____
Telephone number_____
Date_____

[F.R. Doc. 69-8432; Filed, July 16, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-EA-83]

AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller F-27 and FH-227 type airplanes.

There have been reports of insufficient retention of the door locking mechanism so as to permit the rear outward opening door to open in flight and also allow the door lock ring to slip. Since this is a condition which can exist in other aircraft of the same type design, it is proposed to issue an airworthiness directive which will require alteration of the door locking mechanism on F-27 and FH-227 type airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

FAIRCHILD HILLER. Applies to F-27 and FH-227 type airplanes certificated in all categories and incorporating rear passenger door spindle, P/N 27-313006-3, -5, -7, or -9

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To provide a more positive retention of the passenger door locking mechanism accomplish the following:

(a) For F-27 type airplanes with spindle, P/N 27-313006-3, installed in the door lock mechanism, comply with section D(1) through D(8) of Fairchild Hiller Service Bulletin No. F-27-52-27, dated February 10,

1969. In place of Step "D(5)", rig the door mechanism in accordance with Fairchild Hiller Service Bulletin No. F-27-52-19, dated May 26, 1966.

(b) For F-27 type airplanes with spindle, P/N 27-313006-5, 27-313006-7, or 27-313006-9, installed in the door lock mechanism, comply with section E(1) through E(8) of Fairchild Hiller Service Bulletin No. F-27-52-27, dated February 10, 1969. Rig the door mechanism in accordance with Fairchild Hiller Service Bulletin No. F-27-52-19, dated May 26, 1966.

(c) For FH-227 type airplanes with spindle, P/N 27-313006-5, 27-313006-7, or 27-313006-9, installed in the door lock mechanism, comply with the "Accomplishment Instructions" of Fairchild Hiller Service Bulletin No. FH-227-52-13, dated February 10, 1969.

(d) An equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may be used in lieu of the foregoing methods.

(e) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on July 8, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-8423; Filed, July 16, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 8]

SIZE STANDARDS

Notice of Hearing on Definition of Small Business for Bidding on Government Procurements for Food Services

Notice is hereby given that the Administrator of the Small Business Administration (SBA) proposes to hold a hearing on the definition of a small business for the purpose of bidding on Government procurements for food services.

A concern currently can qualify as small business for the purpose of bidding on Government procurements for food services if, together with its affiliates, its average annual sales and receipts for its preceding three (3) fiscal years do not exceed $3 million.

The Government Service Contractors Association has petitioned SBA to increase the food service size standard to $5 million in average annual receipts.

The Association has offered the following argument in support of its petition:

1. Wages represent seventy percent (70%) to eighty percent (80%) of service contract costs. Since 1967, the year in which the SBA first proposed the currently effective $3 million standard, wages in this field of operation have dramatically increased and in many cases have doubled. These increases have been due to both increases in the minimum wage and also to specific determinations by the Secretary of Labor under the McNamara-O'Hara Service Contracts Act of 1965, as amended, as to prevailing wages and fringe benefits in defined geographical areas and the minimum wages to be paid in said areas in performing Government contracts. In most cases the specified wages exceed the Federal minimum wage.

2. The food service industry for Government procurements is comprised primarily of institutional feeding specialists. Operators of commercial restaurants normally are not qualified and do not attempt to perform Government contracts for mass feeding or mess attendant services. Conversely, concerns in the institutional field normally are not found in the commercial restaurant field.

Within the institutional food service field there are approximately thirty (30) to forty (40) established companies. Of these, some fifteen (15) to twenty (20) have sales of over $100 million. These companies have sought participation in Government food service programs.

3. A survey of members of the Association who are engaged in providing food or mess attendant services to the Government and who qualify as small business under the currently effective $3 million standard, has revealed that seventy-five percent (75%) favor a size standard of $5 million or more.

Government data is scarce with respect to the size and nature of concerns who compete for or are potential competitors for Government contracts for food services. It is hoped that evidence offered at or in connection with this hearing will place the SBA in a better position to determine whether to retain the currently effective $3 million average annual receipts size standard or whether to increase such standard to $5 million as requested in the petition.

In preparing testimony for submission in connection with the hearing, the following should be considered:

a. In computing a concern's average annual sales or receipts for the purpose of applying the size standard, it is necessary to include the total sales and receipts of the concern and its affiliates, regardless of whether such sales or receipts are in payment for food services.

b. For administrative reasons size standards must be applied on a national basis. Therefore, comment should be directed to the effect of a particular size standard on competition for procurements nationwide.

The hearing will be held on Tuesday, August 5, 1969, at 9:30 a.m., e.d.s.t., in Room 214 at 1441 L Street NW., Washington, D.C.

For planning purposes, it is requested that those intending to present oral testimony at the hearing notify Mr. William Murfin, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, as soon as possible.

Those wishing to file position papers in lieu of presenting oral testimony should do so on or before the hearing date.

Dated: July 14, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-8432; Filed, July 16, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-126; Customs Delegation Order 1 (Revision 1), Correction]

ASSISTANT COMMISSIONER OF CUSTOMS, OFFICE OF REGULATIONS AND RULINGS, ET AL.

Performance of Functions

JULY 11, 1969.

Section 1A(b)(2)(iii) of T.D. 69-126, which was published on May 27, 1969 (34 F.R. 8208) as F.R. Doc. 69-6280, is hereby corrected to read:

(iii) Offers in compromise under 19 U.S.C. 1617, as amended, if recommended by the General Counsel of the Treasury Department.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-8435; Filed, July 16, 1969; 8:48 a.m.]

Internal Revenue Service

WILLIAM L. LORING

Notice of Granting of Relief

Notice is hereby given that William L. Loring, Hilltop Road, Mendham, N.J., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction in June 1943, in Somerset County Court, N.J., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William L. Loring, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. William L. Loring, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered William L. Loring's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to William L. Loring from disabilities incurred by reason of his conviction, would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that William L. Loring be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the conviction hereinabove described. Signed at Washington, D.C., this 11th day of July 1969.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 69-8436; Filed, July 16, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. C-305]

CLARK D. PERMAR

Notice of Loan Application

JULY 11, 1969.

Clark D. Permar, 460 Embarcadero, Oakland, Calif. 94606, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 55-foot length overall steel vessel to engage in the fishery for salmon, albacore, Dungeness crab, shrimp, and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Assistant Director for Resource Development.

[F.R. Doc. 69-8400; Filed, July 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

OAKDALE LIVESTOCK AUCTION CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, and location of stockyard, and date of posting

CALIFORNIA

Oakdale Livestock Auction Co., Oakdale, Apr. 1, 1969.

CONNECTICUT

Hebron Horse Auction, Hebron, Jan. 1, 1969.

IOWA

Oxford Sale Barn, Oxford, Mar. 20, 1969.

NORTH CAROLINA

Iredell Livestock Company, Turnersburg, June 6, 1969.

OKLAHOMA

Prague Stockyards, Prague, Mar. 27, 1969.

Done at Washington, D.C., this 8th day of July 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

JULY 11, 1969.

[F.R. Doc. 69-8416; Filed, July 16, 1969; 8:47 a.m.]

SOUTH FLORIDA HORSE AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, and location of stockyard, and date of posting

South Florida Horse Auction, Hialeah, Fla., Feb. 6, 1969.

Morehead Stock Yards, Morehead, Ky., Dec. 30, 1959.

Sparta Stockyards Co., Sparta, Ky., Dec. 28, 1959.
Lycoming Livestock Market, Inc., Williamsport, Pa., Feb. 23, 1960.
Beasley Community Auction, Franklin, Tenn., Nov. 30, 1960.
Dixie National Stock Yards, Memphis, Tenn., Nov. 1, 1921.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 8th day of July 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-8417; Filed, July 16, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0846) has been filed by CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl)-1-methoxy-1-methylurea in or on the raw agricultural commodities corn grain, fodder, and forage at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residue is hydrolyzed to 4-bromo-3-choloraniline and extracted by steam distillation. The extracted aniline is diazotized and coupled with *N*-1-naphthylethylenediamine to produce a color that is measured spectrophotometrically at 550 millimicrons.

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8397; Filed, July 16, 1969; 8:45 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petitions Regarding Pesticide Chemical and Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0842) has been filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing the establishment of tolerances (21 CFR 120.150) for residues of the herbicide dalapon sodium salt calculated as dalapon (2,2-dichloropropionic acid) in or on raw agricultural commodities as follows: 12 parts per million in poultry kidneys; 7 parts per million in or on coffee beans; 5 parts per million in or on alfalfa hay, lemons, sorghum forage, and trefoil hay and in kidneys of cattle, goats, hogs, and sheep and in poultry tissue (other than kidney); 2 parts per million in meat and meat byproducts (other than kidney) of cattle, goats, hogs, and sheep; 1 part per million in or on beans, bean straw, macadamia nuts, sorghum, and soybeans; 0.5 part per million in eggs; 0.15 part per million in milk; and 0.1 part per million in or on sugar cane.

Notice is also given that the same firm has filed a related food additive petition (FAP 9H2427) proposing the amendment of a food additive regulation (21 CFR 121.216) to provide for residues of the herbicide in dehydrated citrus pulp for cattle feed when present therein as a result of application of the herbicide during the growing of lemons.

The analytical methods proposed in the petition for determining residues of the herbicide are: (1) The method of G. N. Smith et al., "Agricultural and Food Chemistry," vol. 5, pages 675–78 (1957) and (2) the method of M. E. Getzendaner, "Agricultural and Food Chemistry," vol. 16, pages 856–62 (1968).

Dated: July 8, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-8398; Filed, July 16, 1969; 8:45 a.m.]

[Docket No. FDC-D-134; NDA 11-823]

G. D. SEARLE & CO.

Mornidine (Pipamazine) Tablets and Injection; Notice of Withdrawal of Approval of New-Drug Application

G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680, holder of effective new-drug application No. 11-823 for the drug pipamazine, marketed as Mornidine Tablets (5 milligrams per tablet) and Mornidine Injection (5 milligrams per milliliter), has requested withdrawal of approval of said application.

This application became effective July 22, 1959. The labeling recommended the drug for all conditions in which it is desirable to stop nausea and vomiting, including the nausea and emesis of pregnancy, surgery, radiotherapy, nitrogen mustard therapy, and gastroenteritis.

A supplement to expand the section on clinical applications submitted in April 1962 was ruled incomplete in June 1962.

The medical data in the new-drug application were completely reviewed, evaluated, and summarized in September 1963, and it was concluded that (1) there was inadequate scientific evidence to show efficacy for any of the labeled indications and (2) there was inadequate evidence that the drug is safe for use in pregnant women.

On June 21, 1963, the applicant submitted reports on abortion, miscarriage, and fetal mortality. The data were inconclusive, but the applicant proposed labeling revisions in December 1963 to note that animal reproductive studies were underway and to state that the effect on the fetus was not known.

The applicant was notified June 3, 1964, that the supplement to the application was incomplete in that: (1) The safety of Mornidine (pipamazine) in the specific condition of nausea and vomiting of pregnancy was not substantiated; (2) the safety of intravenous administration was not substantiated; (3) the labeling failed to warn against the association of pernicious vomiting of pregnancy with serious hepatic lesions and possibly dangerous synergistic effect of a phenothiazine drug in this situation; and (4) the labeling did not adequately emphasize the danger of oversedation. The applicant was further advised to insert a pregnancy warning statement in the labeling and that effective October 10, 1964, the application would be reviewed again from the standpoint of efficacy.

The firm advised the Food and Drug Administration on September 21, 1964, and April 14, 1966, that it had discontinued manufacture and supply of Mornidine Tablets and Ampuls. The product was not recalled at that time and several years later stocks were found in pharmacies.

On February 4, 1969, the Food and Drug Administration notified the applicant of its intention to initiate proceedings to withdraw approval of the application. On February 10, 1969, G. D. Searle & Co. stated that both Mornidine Tablets and Injection were being recalled to the retail level, requested withdrawal of approval of the application, and waived opportunity for a hearing in this regard, further saying that "the data presented to the Food and Drug Administration prior to the marketing of Mornidine in 1959 might be lacking in substantial evidence of safety and effectiveness as might now be required by the Drug Amendments of 1962."

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated with evidence available when the application was approved that the drug is not shown to be safe and effective for use under the conditions of use upon which the application was approved.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 11-823 and all amendments and supplements thereto applying to Mornidine Tablets and Injection is withdrawn, effective on the date of signature of this document.

Dated: July 10, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-8399; Filed, July 16, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-73]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period of June 10, 1969 (List No. 17-69). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant U.S. Coast Guard with respect to these approvals (49 CFR 1.4(a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/205/1, style HNB-MS-25 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/205/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/206/1, style HNB-MS-35-6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/206/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/207/1, style HNB-MS-35 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/207/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/208/1, style HNB-MS-26 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 750° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/208/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/209/1, style HNB-MS-36-6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/209/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/210/1, style HNB-MS-36 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/211/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/211/1, style HNB-MS-27 drum pilot actuated safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/211/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/212/1, style HNB-MS-37-6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/212/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/213/1, style HNB-MS-37 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2, 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/213/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/214/1, style HNB-MS-28 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/214/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/215/1, style HNB-MS-38-6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/215/0, dated Sept. 17, 1968, to show change in construction.)

Approval No. 162.001/216/1, style HNB-MS-38 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1,000° F., dwg. No. D-39897-5, issued May 22, 1964, revised May 23, 1969, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., 43 Kendrick Street, Wrentham, Mass. 02093, effective June 10, 1969. (It supersedes Approval No. 162.001/216/0, dated

Sept. 17, 1968, to show change in construction.)

Dated: July 11, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-8437; Filed, July 16, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-241]

MISSISSIPPI STATE UNIVERSITY

Order Extending Construction Permit Expiration Date

By application dated June 3, 1969, the Mississippi State University requested an extension of the expiration date of Provisional Construction Permit No. CPRR-91. The permit authorizes the University to possess and store disassembled nuclear reactor components and a small amount of special nuclear material on its campus in State College, Miss.

Good cause having been shown for the extension of the expiration date of the permit pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the expiration date of Provisonal Construction Permit No. CPRR-91, as amended, is extended from July 31, 1969 to July 31, 1971.

Dated at Bethesda, Md., this 7th day of July 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-8392; Filed, July 16, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20826; Order 69-7-60]

ALASKA SERVICE INVESTIGATION

Order Regarding Major Route Patterns

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1969.

By Order 69-3-68, dated March 19, 1969, the Board instituted an investigation designed to constitute a comprehensive review of major route patterns serving Alaska. Petitions for reconsideration, motions to consolidate, petitions for leave to intervene, and answers thereto have been filed.

The petitions for reconsideration request that we consider herein service between Portland/Seattle and Anchorage and between Fairbanks/Anchorage and Prudhoe Bay and that issues relating to service between Anchorage and Kenai be deleted. We have concluded that these petitions should be granted to the extent of adding service to Prudhoe Bay to the issues of the proceeding and should be denied in all other respects.

Prudhoe Bay, now served by Wien Consolidated Airlines, Inc., pursuant to exemption, is the site of a major oil discovery of undetermined proportions which promises to be a major factor in the future development of Alaska's economy. It is appropriate that we investigate in this proceeding the need for transportation of persons, property, and mail to support continued exploration and development of the oil resources in this area.

We have determined not to add the issue of service between Seattle/Portland and Anchorage. This market is served by three carriers under a pattern determined in the Pacific Northwest-Alaska Air Service Case, Order E-21955, dated March 26, 1965, for an anticipated period of 7 years. There is no showing that the service is not satisfactory nor has it been otherwise shown that a review at this time is necessary. We find that inclusion of this market is unnecessary, would result in a premature review of its service, and would unduly complicate the proceeding.

The Board will also deny the request for removal of Anchorage-Kenai service from the issues. Kenai's traffic originations showed a fourfold increase between the fiscal year 1965 total of 11,804 passengers and the 1968 total of 65,968, and this market, in which the Board has certificated only one carrier, accounts for a substantial volume of traffic that justifies consideration of certification of competitive service.

The motions for consolidation of applications will be granted to the extent they conform to the scope of the proceeding, as amended, and to the Board's regulations. However, several are beyond the proceeding's scope in part or in whole. Thus, Alaska Airlines, Inc., seeks consolidation of its application in Docket No. 19662 for authority to serve Prince Rupert and Whitehorse in Canada. The proceeding does not include any issue of new service to Canadian points. It is true that Whitehorse is on Wien's route 126-F and Prince Rupert is on Alaska's route 124-F and these points are presently in issue, under ordering paragraph 1.d of Order 69-3-68 insofar as concerns realignment of segments, but the filings of the carriers do not include proposed realignment of these segments. We have concluded that we will delete consideration of issues concerning these two foreign routes.

Alaska's application in Docket 19665 includes matters beyond the issues insofar as concerns new or additional service at King Salmon, Dillingham, Bethel, and Point Barrow. This carrier's application in Docket 19839 involves a new segment serving points it already has authority to serve except Kodiak, Homer, Kenai, Prudhoe Bay, and Point Barrow (it states that it would not prosecute the question of nonstop service between Seattle and Portland, on the one hand, and Kenai, Homer, and Kodiak, on the other hand).[1] The request for Point Barrow authority goes beyond the issues. We have previously concluded that Prudhoe Bay service should be included and that point will be added to Appendix A of Order 69-3-68. This application will not be considered herein insofar as concerns authority for new or additional service for Kodiak, Homer, and Kenai except for the markets listed in Appendix A of Order 69-3-68.

We agree with Bureau Counsel that the request of Howard J. Mays for consolidation of the Mays-Munz-Galleher Certificate Proceeding, Docket 7973, is inappropriate because that proceeding was closed when the Board entered its decision, Order E-21778, dated February 9, 1965. However, since the suspension of Mays' certificate will expire April 11, 1970, the continued effectiveness of the certificate should be litigated in this proceeding. The Board's order of investigation will be amended to include that issue.

Wien's application, Docket 20936, in paragraphs III D, E, and F is vague and violates § 201.4(c)(3) of the economic regulations in that it fails to name terminal and intermediate points. In addition, paragraph III B of Wien's application introduces a prospective element of time as to points to be considered as served under the 25-mile rule or irregular route authority. It includes points on route 126 as hereafter amended and points served as of the date of decision. We agree with Bureau Counsel that consideration of certificate authority to serve points actually served under the foregoing authorities should be limited to those actually served during 1968, as provided in paragraph 1.d(3) of Order 69-3-68. This portion of Wien's application will be considered herein only in that context. While the Bureau's proposed standard for such awards of service twice a week, in both directions, for at least 4 months during 1968, appears to have merit, we will leave this for determination after hearing of the evidence and the views of the parties. Nor will Wien's application be considered with respect to points served pursuant to exemption authorization except for those meeting the "presently served" standard of paragraph 1.d(4) of Order 69-3-68.

Petitions for leave to intervene have been filed by the Alaska Transportation Commission, the Department of Defense, certain Portland and Washington representatives, and the Postmaster General. Each has shown an interest justifying intervention.

Accordingly, it is ordered, That:

1. Order 69-3-69, dated March 19, 1969, be and it is amended as follows:

a. Delete "124-F" and "126-F" from ordering paragraph 1.d.

b. Change Appendix A, page 1, by adding "Prudhoe Bay" to each of the 10 market groupings listed in that appendix.

[1] This reservation accomplishes substantially the same purpose as Bureau Counsel's proposed pretrial restriction against such service.

c. Add new paragraph 1.e, reading as follows.

e. The continued suspension of the certificate of public convenience and necessity issued to Howard J. Mays or make such other disposition of the certificate as may be required by the public convenience and necessity.

2. The applications of Alaska Airlines, Inc., Dockets 19664, 19665, and 19839; Kodiak Airways, Inc., Docket 19851; Northwest Airlines, Inc., Docket 20930; Pan American World Airways, Inc., Docket 20937; Western Air Lines, Inc., Docket No. 20933; and Wien Consolidated Airlines, Inc., Docket 20936 (except paragraphs III D, E, and F); be and they are consolidated to the extent they request (a) authority, on a nonsubsidy basis, for new or additional service in any of the markets set forth in Appendix A of Order 69-3-68, as amended; (b) suspension, termination, or other modification of authority to serve points set forth in Appendix B of Order 69-3-68; or (c) alteration, amendment, or modification of Alaska Airlines' certificates for routes 124 and 138 and Wien Consolidated Airlines' certificate for route 126 as specified in paragraph 1.d of Order 69-3-68.

3. The applications set forth in paragraph 2 be and they hereby are dismissed to the extent not consolidated herein.

4. The Alaska Transportation Commission, the Department of Defense, the Portland Parties (city of Portland, Portland Chamber of Commerce, Portland Freight Traffic Association, and the Port of Portland), the Postmaster General, and the Washington Parties (the State of Washington Utilities and Transportation Commission, the Port of Seattle Commission, the city of Seattle, the county of King, the Seattle Chamber of Commerce, the city of Tacoma, the Tacoma Chamber of Commerce, and the Seattle Traffic Association), be and they hereby are granted leave to intervene.

5. The petitions and motions requesting change in the scope of the proceeding and consolidation of applications be and they hereby are denied in all other respects.

This order will be printed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8443; Filed, July 16, 1969; 8:49 a.m.]

[Docket No. 20291; Order 69-7-63]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted for early effectiveness at a special meeting of Traffic Conference 1 held in Nassau, has been assigned the above-designated CAB agreement number.

The agreement amends the present 30-day excursion fares applicable within the Western Hemisphere by the inclusion of an additional specified excursion fare between Houston and Panama City. The fare will afford a reduction of about 35 percent from the otherwise applicable round-trip economy fare.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 140/070, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 21101 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-8442; Filed, July 16, 1969; 8:49 a.m.]

[Docket No. 16606 etc.]

REOPENED OZARK ROUTE REALIGNMENT INVESTIGATION SERVICE TO SEDALIA, MO.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 18, 1969, commencing at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served June 16, 1969, and other documents that are in the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 10, 1969.

[SEAL] E. ROBERT SEAVER,
Hearing Examiner.

[F.R. Doc. 69-8444; Filed, July 16, 1969; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General for Criminal Justice, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8439; Filed, July 16, 1969; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment the position of Assistant Director, Division of Community Services, Bureau of Prisons. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-8440; Filed, July 16, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18599, 18600; FCC 69-751]

BIG CHIEF BROADCASTING COMPANY OF LAWTON, INC., AND PROGRESSIVE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Big Chief Broadcasting Company of Lawton, Inc., Lawton, Okla., Docket No. 18599, File No. BPH-6455; Requests: 98.1 mcs, No. 251; 68.5 kw; 206 feet; Progressive Broadcasting Co., Lawton, Okla., Docket No. 18600, File No. BPH-6536; Requests: 98.1 mcs, No. 251; 54.2 kw; 201 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847),

we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Big Chief Broadcasting Company of Lawton, Inc., has not shown that it has adequately surveyed the needs of Lawton, nor has it adequately listed the suggestions received or the programing proposed to meet the needs as evaluated. Thus, we are unable to determine that Big Chief is aware of and responsive to the needs of the area and a Suburban issue will be specified.

3. According to its application, Progressive Broadcasting Co. requires) $69,220 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement Progressive relies on cash on hand, which totals only $48,100. Accordingly, an issue will be specified to determine the availability of the additional $21,120.

4. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by Big Chief Broadcasting Company of Lawton, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine whether Progressive Broadcasting Co. has available to it the additional $21,120 required to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualifications.

(3) To determine which of the proposals, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications for construction permit should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 9, 1969.

Released: July 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8427; Filed, July 16, 1969; 8:47 a.m.]

[Report 448]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 14, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

08-C2-P-70—Central Communications, Inc. (New), C.P. for new 2-way station to be located at 3.6 miles southeast of Okanogan, Wash., to operate on frequency 152.12 MHz.

09-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for new 1-way station to be located at 521 Fourth Street, Wausau, Wis., to operate on frequency 158.100 MHz.

11-C2-P-(3)-70—Kidd's Communications, Inc. (KMA257), C.P. for additional base facilities to operate on frequency 152.03 MHz and repeater facilities to operate on frequency 75.92 MHz at location No. 5: Granite Station Hill, Calif. Also add control facilities to operate on frequency 72.34 MHz at location No. 2: 215 East 18th Street, Bakersfield, Calif.

13-C2-MP-70—Radio Pocket Page, Inc. (KOA796), Modification of C.P. for an additional transmitter to operate on frequency 35.58 MHz at 4646 Southwest Council Crest Drive, Portland, Oreg.

14-C2-P-70—Eastern Oregon Telephone Co. (New), C.P. for a new 2-way station to be located at lot 6 South Boardman east side Southeast Main Street, Boardman, Oreg., to operate on frequency 152.81 MHz.

15-C2-P-70—The Bell Telephone Co. of Pennsylvania (KGA585), C.P. for an additional transmitter to operate on base frequencies 454.40, 454.50, 454.55, 454.60 MHz at location No. 2: 12 South 12th Street, Philadelphia, Pa. Also add transmitter to operate on auxiliary test frequencies 459.40, 459.50, 459.55, 459.60 MHz at location No. 1: 1631 Arch Street, Philadelphia, Pa.

20-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for new 2-way station to be located at Sulphur Bank Ridge, 2.1 miles south-southeast of Clearlake Oaks, Calif., to operate on frequency 152.51 MHz.

21-C2-P-70—Marvin Barenblat, doing business as Autophone of San Antonio (KKJ451), C.P. for an additional base channel to operate on frequency 152.12 MHz at station located at 700 East Hildebrand, San Antonio, Tex.

22-C2-ML-69—General Telephone Co. of California (KMM698), Modification of license to change frequency to 454.625 MHz. Transmitter location: 0.4 mile southwest of junction Sunset Drive and Alta Vista Drive, Sunset Drive Reservoir, Redlands, Calif.

29-C2-MP-70—Souris River Telephone Mutual Aid Corp. (KAI930), Modification of C.P. to change frequency from 152.72 MHz to 152.63 MHz at station located at 11.5 miles south, 2 miles west of Minot, N. Dak.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

30–C2–P–(3)–70—Texas Mobile Telephone Co. (New), C.P. for new 2-way station to be located at 1200 feet south of loop 820, 700 feet east of Highway 287, Fort Worth, Tex., to operate on frequencies 454.075, 454.175, 454.275 MHz.

35–C2–P–70—Tel-Page Corp. (KEC521), C.P. for an additional transmitter to operate on frequency 43.220 MHz at 14 Lafayette Square, Buffalo, N.Y.

36–C2–P–70—Andrew J. Dibrell (New), C.P. for new 1-way station to be located at 612 Allende Street, Laredo, Tex., to operate on frequency 152.54 MHz.

37–C2–P–70—General Telephone Co. of Wisconsin (New), C.P. for new 1-way station to be located at 0.4 miles south-southwest from Dodgeville, Wis., to operate on frequency 152.840 MHz.

38–C2–P–70—General Telephone Co. of Wisconsin (New), C.P. for new 2-way station to be located at 0.4 mile south-southwest from Dodgeville, Wis., to operate on frequency 152.750 MHz.

Major Amendment

5740–C2–P–69—Airsignal International, Inc. (New), Amended to add an additional channel to operate on frequency 158.70 MHz at its station to be located at Dermon Building, 46 North Third Street, Memphis, Tenn. All other particulars same as reported on public notice dated Apr. 7, 1969, Report No. 434.

Corrections

7894–C2–P–(5)–69—The Chesapeake & Potomac Telephone Co. (KGA586), Correct to read: C.P. to change antenna system for base frequencies 152.51, 152.63, 152.72, 152.78, 152.81 MHz at location No. 2: 1420 Columbia Road NW., Washington, D.C. All other particulars same as reported on public notice dated June 30, 1969, Report No. 446.

7768–C2–P/L–69—Atlas Van-Lines, Inc., Correct Informative: Applicant has filed an application for 500 individual mobile units using facilities of miscellaneous Common Carriers throughout the continental United States.

Informative

Applications for renewal of licenses in the Developmental Public Air-Ground Radiotelephone Service shall be submitted not less than 30 days nor more than 60 days prior to Sept. 10, 1969, for those licenses expected to be renewed.

RURAL RADIO SERVICE

23–C1–P/L–70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at 10 miles west-southwest of Syracuse, Utah, to operate on frequency 157.80 MHz.

24–C1–ML–70—Idaho Telephone Co. (KKU66), Modification of license to add frequency 158.04 MHz in any temporary location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

16–C1–P–70—South Central Bell Telephone Co. (New), C.P. for a new fixed station to be located at the corner of Ninth and Margaret Streets, Morgan City, La., to operate on frequencies 5945.2 and 6063.8 MHz toward Thibodaux, La.

17–C1–MP–70—South Central Bell Telephone Co. (KGG21), Modification of C.P. to change the frequencies and point of communication from 6286.2 and 6404.8 MHz toward Houma, La., to 6197.2 and 6315.9 MHz toward Morgan City, La., and change the antenna system. Station location: 204 Back Street, Thibodaux, La.

25–C1–P–70—General Telephone Co. of California (KTF39), C.P. for two additional transmitters for Hot Standby operation to operate on existing frequencies 10,835 and 11,115 MHz toward Crestline, Calif., via passive reflector. Station location: 660 E Street, San Bernardino, Calif.

26–C1–P–70—General Telephone Co. of California (KTF41), Same as above except, frequency 11,035 MHz toward Rimforest, Calif. Station location: 27316 State Highway No. 189, Lake Arrowhead, Calif.

27–C1–P–70—General Telephone Co. of California (KTF40), Same except, frequencies 11,285 MHz toward Lake Arrowhead, Calif., and 11,485 MHz toward San Bernardino, Calif. Station location: Rimforest, 1.25 miles southwest of Blue Jay, Calif.

28–C1–P–70—General Telephone Co. of California (KYS21), Same except, frequency 11,245 11,285 MHz toward Lake Arrowhead, Calif., and 11,485 MHz toward San Bernardino, MHz toward San Bernardino, Calif., via passive reflector. Station location: 946 Fern Drive, Crestline, Calif.

4967–C1–R–70—New Jersey Bell Telephone Co. (KYC84), Renewal of developmental station license expiring Aug. 7, 1969. Term: Aug. 7, 1969, to Aug. 7, 1970.

[F.R. Doc. 69–8426; Filed, July 16, 1969; 8:47 a.m.]

[Docket No. 17554 etc.; FCC 69–747]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Hearing and Investigation and Consolidating Proceedings

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for tie-line domestic interstate telegraph services, Docket No. 17554; in the matter of proposed revisions in the domestic telegraph message tariffs of the Western Union Telegraph Co., Docket No. 18270; in the matter of proposed revisions in the rates of The Western Union Telegraph Co. for domestic telex service, Docket No. 18598.

1. The Commission has under consideration (a) its order adopted June 28, 1967, in Docket No. 17554 (FCC 67–744) instituting an investigation and hearing into the lawfulness of certain tariffs of the Western Union Telegraph Co. (Western Union) applicable to charges for tie-line interstate telegraph services, (b) its order adopted July 29, 1968, in Docket No. 18270 (FCC 68–776) instituting an investigation and hearing into the lawfulness of new and revised rates and service classifications of Western Union applicable to its offering of domestic telegraph message service and consolidating this proceeding with the proceedings in Docket No. 17554, and (c) increased charges of Western Union for its offering of domestic telex service which were submitted under Transmittal No. 6351, to become effective July 10, 1969, designated as follows:

14th Revised Page 8, 2d Revised Page 9B and 3d Revised Page 41 of Western Union's Tariff FCC No. 240, providing for an upward adjustment in the fixed monthly service charge, a change in the manner of charging for pulse usage and the elimination of the prorata basis for determining the applicability of reduced charges for partial monthly billing periods.

2. The above-cited tariff schedules contain revised and increased charges applicable to Domestic Telex Service and the Commission is unable to determine from an examination of the above-cited schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended. If the above-cited tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby.

3. The issues raised by the revised domestic telex charges are similar to those currently involved in the proceedings in Dockets Nos. 17554 and 18270 and thus should be considered with those matters by consolidating the proceedings.

4. *Accordingly, it is ordered*, That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the above-cited tariff schedules and any amendments, cancellations, or successive issues thereof effected during the pendancy of the investigation; and

5. *It is further ordered*, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules is hereby suspended until October 7, 1969, and that during said period of suspension, no changes shall be made in said tariff schedules or in the charges sought to be increased thereby, unless authorized by special permission of the Commission; and

6. *It is further ordered*, That, the issues in this case shall be as follows:

(1) Whether the proposed tariff revisions are just and reasonable and not otherwise unlawful under sections 201(b) and 202(a) of the Communications Act of 1934, as amended.

(2) Without in anyway limiting the scope of the matters to be considered under the foregoing issue, consideration shall be given to the following matters:

(a) Whether Western Union, under existing rate levels applicable to all of its services, has an additional overall revenue and earnings requirements, and, if so, the extent to which such requirements are attributable to the service involved;

(b) The extent to which the proposed tariff revisions may be expected to satisfy any such additional requirements of Western Union on both a short run and long run basis;

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum charges to be hereafter followed with respect to the services governed by the tariff schedules herein suspended, and, if so, what charges, classifications, regulations and practices should be prescribed.

7. *It is further ordered*, That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said revised charges, classifications, regulations, and practices go into effect, The Western Union Telegraph Co. shall, until further ordered by the Commission, keep accurate account or record of all amounts received by reason of the increased charges specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended, and the carrier shall file with the Commission reports with respect to the aforementioned accounting requirements as shall be prescribed by the Chief, Common Carrier Bureau; and

8. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282; and

9. *It is further ordered*, That, a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended, and that The Western Union Telegraph Co. is hereby made party respondent to this proceeding.

10. *It is further ordered*, That, the proceedings ordered herein are hereby consolidated with the proceedings heretofore ordered in Dockets Nos. 17554 and 18270.

Adopted: July 9, 1969.

Released: July 11, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-8425; Filed, July 16, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-2]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 9, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 27, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket No.
RI70-2....	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	32	13	West Lake Natural Gasoline Co. (Lake Trammell Area, Nolan County, Tex.) (RR. District No. 7-B).	$3,500	6-12-69	[2] 7-13-69	[3] 7-14-69	8.5	[4] [5] 9.0	RI60-431.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The suspension period is limited to 1 day.
[4] Revenue-sharing rate increase. For the period Jan. 1, 1968 to Jan. 1, 1973, the contract price is 50 percent of buyer's resale price but no less than 50 percent of 18 cents. Buyer's resale price is 18 cents per Mcf.
[5] Pressure base is 14.65 p.s.i.a.

Union Oil Company of California (Operator) et al., (Union Oil) requests waiver of the statutory notice requirement to permit an effective date of June 12, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Union Oil's rate filing and such request is denied.

Union Oil has proposed a revenue sharing increase from 8.5 cents to 9 cents per Mcf for a sale of gas to West Lake Natural Gasoline Co. (West Lake) in Nolan County, Tex. West Lake is currently collecting 18 cents per Mfc subject to refund in Docket No. RI65-29 for the resale of such gas to El Paso Natural Gas Co. In these circumstances we believe it appropriate to suspend Union Oil's increase for 1 day from the expiration date of the 30 day statutory notice period.

[F.R. Doc. 69-8394; Filed, July 16, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4769]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks

JULY 11, 1969.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan"), 1 Woodward Avenue, Detroit, Mich. 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan proposes to issue and sell, from time to time commencing after August 14, 1969, and ending August 14, 1970, its unsecured promissory notes, in varying amounts as funds are required, in an aggregate face amount not exceeding $55 million outstanding at any one time to the following banks in the respective amounts shown:

First National City Bank, New York, N.Y.	$10,000,000
National Bank of Detroit, Mich.	15,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	5,000,000
The Chase Manhattan Bank, New York, N.Y.	5,000,000
Manufacturers National Bank of Detroit, Mich.	7,000,000
The Detroit Bank & Trust Co., Detroit, Mich.	10,000,000
Old Kent Bank and Trust Co., Grand Rapids, Mich.	2,000,000
City National Bank of Detroit, Detroit, Mich.	1,000,000
Total	55,000,000

Each note will be dated as of the date of issue, will mature August 14, 1970, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of each borrowing, which interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to retire $20 million of promissory notes issued to finance, in part, 1968 and 1969 construction and to finance in part, the 1969 construction program which is estimated at $58,600,000.

Fees and expenses incident to the proposed transactions are estimated at $1,500, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than August 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8402; Filed, July 16, 1969; 8:45 a.m.]

[811-1399]

ATLANTIC CAPITAL CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 10, 1969.

Notice is hereby given that Atlantic Capital Corp. ("Applicant"), Gifford, Woody, Carter and Hays, 1 Wall Street, New York, N.Y. 10005, a New Jersey corporation registered as a nondiversified, closed-end management investment company under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated in September 1960. In August 1961, it was granted a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958. On June 29, 1966, Applicant registered as an investment company under the Act and also registered 200,000 shares of its common stock under the Securities Act of 1933. On July 10, 1967, Applicant surrendered its license under the Small Business Investment Act of 1958. On February 15, 1968, Applicant's registration statement under the Securities Act was amended, reducing the number of shares to be offered to 100,000 shares. On March 12, 1968, the registration statement covering the remaining 100,000 shares was ordered withdrawn upon Applicant's representation that it no longer intended to make a public offering of the shares.

Applicant represents that its only shareholders are 17 individuals and a brokerage firm, Spear, Leeds and Kellogg of New York City, which owns 76.59 percent of the outstanding voting securities. Applicant further represents that it no longer intends to operate as a small business investment company and does not intend to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 30, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules

and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8403; Filed, July 16, 1969; 8:46 a.m.]

[File 1-3909]

BSF CO.

Order Suspending Trading

JULY 11, 1969.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 14, 1969, through July 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8404; Filed, July 16, 1969; 8:46 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

JULY 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 14, 1969, through July 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8405; Filed, July 16, 1969; 8:46 a.m.]

TELSTAR, INC.

Order Suspending Trading

JULY 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being trade otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 14, 1969, through July 23, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-8406; Filed, July 16, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1313]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 11, 1969.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 251), filed June 23, 1969. Applicant: YOUNGER BROTHERS, INC., Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, liquid or dry, in bulk, in tank vehicles, from plantsite of E. I. du Pont de Nemours & Co., Pineville (Rapides Parish), La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn.). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

control may be involved. If a hearing is deemed necessary, applicant did not specify location.

No. MC 4964 (Sub-No. 36), filed June 19, 1969. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment by reason of size or weight (except household goods and commodities in bulk), between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, restricted to traffic moving, to, from, or between military installations or Defense Department establishments and moving on Government bills of lading or on commercial bills of lading containing an endorsement approved in *Interpretation of Government Rate Tariff for Eastern Central Motor Carriers*, 322 I.C.C. 161. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 56), filed June 24, 1969. Applicant: TAJON, INC., Rural Carrier No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and silicon metals* in dump vehicles, from Alloy, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, and Pennsylvania. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 9325 (Sub-No. 43), filed June 23, 1969. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Oregon. NOTE: Applicant states it will tack the authority sought with its Sub 35. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 24570 (Sub-No. 1), filed June 23, 1969. Applicant: HALLMARK VAN LINES, INC., 67 Grove Street, Chicopee Falls, Mass. 01020. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts and Connecticut, restricted (1) to shipments having a prior or subsequent movement beyond said points, in containers, and (2) to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority in MC 113665 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Hartford, Conn.

No. MC 30126 (Sub-No. 11), filed June 16, 1969. Applicant: LOUIS N. VILLALANTI, doing business as VILLALANTI FREIGHT LINES, Morenci, Ariz. 85540. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal grinding balls and castings*, between Peterson (also known as Kyrene), Ariz., and the Tyrone Branch Mine of Phelps Dodge Corp. located at Tyrone, N. Mex., under contract with Phelps Dodge Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Santa Fe, N. Mex.

No. MC 30237 (Sub-No. 18), filed June 16, 1969. Applicant: YEATTS TRANSFER COMPANY, a corporation, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Altavista and Rocky Mount, Va., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin. NOTE: Applicant states the proposed authority could be joined to provide at through service from Bridgewater and Culpeper, Va., and Saddle Brook, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 374), filed June 19, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato harvesters* (mounted on trailers other than those designed to be drawn by passenger automobiles), from Lansing, Mich., to points in New York, Maine, Wisconsin, Pennsylvania, Ohio, New Jersey, Minnesota, and North Dakota; and (2) *orchard and grove sprayers and potato harvesters* (mounted on trailers other than those designed to be drawn by passenger automobiles) from Ocoee, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 722) filed June 18, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Joliet, Ill., and Denver, Colo.: (1) from Joliet over Interstate Highway 80 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 70 at Kansas City, Mo., thence over Interstate Highway 70 to Denver, and return over the same route; and (2) from Joliet over Interstate Highway 80 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 36 at Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 40 at or near Limon, Colo., thence over U.S. Highway 40 to Denver, and return over the same route; routes (1) and (2) above serving Kansas City, Mo., and Kansas City, Kans., for purpose of joinder only, serving no other intermediate points, as alternate routes for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 47142 (Sub-No. 105), filed June 24, 1969. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 4417 Earl Court, Huntington, W. Va. 25702. Applicant's representative: George Joline, Suite 117, 2500 North Van Dorn Street, Alexandria, Va. 22302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B explosives*, from Badger Army Ammunition Plant, Baraboo, Wis., to Aberdeen Proving Ground, Md. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 59150 (Sub-No. 41), filed June 23, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1734 Gulf

Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Savannah, Ga., to points in Alabama. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 61403 (Sub-No. 197), filed June 10, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37622. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Woodstock, Tenn., to points in Virginia and South Carolina. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 79065 (Sub-No. 1), filed June 19, 1969. Applicant: THE D. C. McCURDY COMPANY, a corporation, Post Office Box 160, Martins Ferry, Ohio 43925. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, as are transported in dump trucks, (1) between points in Columbiana County, Ohio, on the one hand, and, on the other, points in Beaver, Washington, Lawrence, and Greene Counties, Pa., and Hancock and Brooke Counties, W. Va.; (2) between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Beaver, Washington, and Greene Counties, Pa., and Hancock, Brooke, and Ohio Counties, W. Va.; (3) between points in Belmont County, Ohio, on the one hand, and, on the other, points in Washington and Greene Counties, Pa., and Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, and Pleasants Counties, W. Va.; (4) between points in Brooke County, W. Va., on the one hand, and, on the other, Beaver, Washington, and Greene Counties, Pa., and Columbiana, Carroll, Jefferson, Harrison, Belmont, Guernsey, Noble, and Monroe Counties, Ohio; and (5) between points in Marshall County, W. Va., on the one hand, and, on the other, points in Washington and Greene Counties, Pa., and Columbiana, Carroll, Jefferson, Harrison, Belmont, Guernsey, Noble, and Monroe Counties, Ohio. NOTE: Applicant states it can cancel its lead Certificate MC 79065, if this application is granted. It further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 83539 (Sub-No. 255), filed June 18, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers* and/or *fluid coolers, parts thereof and materials and supplies* used or useful in the construction and/or installation of the above-described articles, from points in Johnson County, Kans., to points in the United States (except Alaska, Hawaii, and Kansas). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 83835 (Sub-No. 58), filed June 16, 1969. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, because of size or weight, require the use of special equipment or special handling; and (2) *ammunition and explosives*, (a) between military installation or Defense Department establishments in Alaska, Arkansas, Colorado, North Dakota, South Dakota, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Michigan, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Wyoming, and West Virginia; and (b) between points in (a) above on the one hand, and, on the other, points in Alaska, Arkansas, Colorado, North Dakota, South Dakota, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, Michigan, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Wyoming, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it seeks no duplicating authority. If hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 89723 (Sub-No. 54), filed June 26, 1969. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). The instant application seeks authority solely to remove Waco, Tex., as a key point from applicant's certificate No. MC 89723 (Sub-No. 4), wherein it is authorized to transport general commodities over regular routes, between various points in Texas in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. but subject to all other key points and other restrictions contained in said certificate. NOTE: Applicant states no new routes or points are sought to be served. Applicant further states it is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Forth Worth or Houston, Tex.

No. MC 94265 (Sub-No. 220), filed June 26, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Wilmer B. Hill, 666 11th Street, NW., 705 McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Swift & Co. at Glenwood, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at and destined to the points named. NOTE: If a hearing is deemed necesary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Washington, D.C.

No. MC 99756 (Sub-No. 3), filed June 17, 1969. Applicant: C. & C. DONNELLY TRUCKING CORP., 311 North Brookside Avenue, Freeport, N.Y. 11520. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states it intends to tack the proposed authority at points in New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 100666 (Sub-No. 142), filed June 26, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Richmond County, Ga., to points in Arkansas, Louisiana, Texas, Oklahoma, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 102616 (Sub-No. 837), filed June 25, 1969. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, common control may be involved. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102679 (Sub-No. 2), filed June 13, 1969. Applicant: LAMBERT'S MOVING & STORAGE, INC., 211 West Fifth Street, Connersville, Ind. 47331. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio. NOTE: Applicant states it presently holds authority in its MC 102679 which duplicates in part that which is sought herein. All such duplicating authority shall be eliminated if and when the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 103435 (Sub-No. 211), filed June 25, 1969. Applicant: UNITED BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction U.S. Highway 395 and 730 near McNary, Oreg., and junction U.S. Highways 30 and 95 near Fruitland, Idaho, and return over the same routes serving no intermediate points and serving junction U.S. Highways 395 and 30 and junctions U.S. Highways 30 and 95 for purpose of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 103993 (Sub-No. 425), filed June 25, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; wooden products; electronic components, assemblies, and products; electric and electromechanical components, assemblies, and products*, from St. Louis, Mo., to points in the United States excluding Alaska and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 103993 (Sub-No. 428), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Des Moines, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 103993 (Sub-No. 429), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Leflore County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 431), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile, in initial movements, from points in Lancaster County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 432), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conveyors, bins and materials, parts, and accessories*, thereof, from Glasgow and Kansas City, Mo., and Fort Leavenworth, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 105350 (Sub-No. 17), filed June 20, 1969. Applicant: NORTH PARK TRANSPORTATION COMPANY, a corporation, 5150 Columbine Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), between Rawlins and Riverside, Wyo., from Rawlins over U.S. Highway 30 to junction Wyoming Highway 130, thence south on Wyoming Highway 130 to junction Wyoming Highway 230, thence south on Wyoming Highway 230 to Riverside and return over the same route, serving all intermediate points, and serving the offroute points of Walcott and Encampment, Wyo., restricted however against any service between Rawlins, Wyo., and Sinclair, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Rawlins, Wyo.

No. MC 106920 (Sub-No. 32), filed June 25, 1969. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107227 (Sub-No. 105), filed June 27, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree and livestock sprayers*, on wheels, from Gilroy, Calif., to points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107403 (Sub-No. 775), filed June 17, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 107515 (Sub-No. 663), filed June 18, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products*, from the plantsite of U.S. Plywood: Champion Papers, Inc., at or near Courtland, Ala., to points in Iowa, Kansas, Michigan, Missouri, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107541 (Sub-No. 28), filed June 13, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukee, Oreg. 97222. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, salt, and fertilizer* (not including liquid bulk), from points in California and Nevada to points in Oregon and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107818 (Sub-No. 47), filed June 27, 1969. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Swift & Co., at Glenwood, Iowa, to points in Florida, Georgia, and Alabama, restricted to traffic originating at said origin and destined to said destinations. NOTE: If a hearing is deemed neecssary, applicant requests it be held at Chicago, Ill.

No. MC 108119 (Sub-No. 23), filed June 13, 1969. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, Post Office Box 3010, St. Paul, Minn. 55101. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines and parts, attachments, and accessories* for street sweeping machines, from points in Minnesota to points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 108398 (Sub-No. 38), filed June 19, 1969. Applicant: RINGSBY-PACIFIC LTD., a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commidities* which require the use of special equipment or special handling by reason of size or weight; (a) between military installations or Defense Department establishments in California, Montana, Nevada, Oregon, Utah, and Washington; and (b) between points in (a) above, on the one hand, and, on the other points in California, Montana, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 110098 (Sub-No. 101), filed June 24, 1969. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh, and meats fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Colorado, Iowa, Minnesota, Nebraska, Texas, and Wisconsin, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 110420 (Sub-No. 593), filed June 19, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, from Lorain, Ohio, to points in Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota, Missouri, Oklahoma, Virginia, Georgia, North Carolina, Tennessee, New Jersey, Massachusetts, Rhode Island, New York, and California. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110525 (Sub-No. 913), filed June 12, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 915), filed June 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten dimethyl terephthalate*, in bulk, from Old Hickory, Tenn., to Brevard, N.C. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 916), filed June 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East

Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from the plantsite of the Monsanto Co. located in Brazoria County, Tex., approximately 12 miles south of Alvin, Tex., to points in the United States (except points in Alaska, Hawaii, Oregon, Texas, and Washington). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 917), filed June 23, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), also Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin*, in bulk, in tank vehicles, from Reading, Pa., to Cortland, N.Y. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant did not specify location.

No. MC 110525 (Sub-No. 920), filed June 20, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Webster Grove, Mo., to points in Texas. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 921), filed June 23, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M. Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Bowie, Md., to points in Pennsylvania, Virginia, Maryland, West Virginia, Delaware, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111434 (Sub-No. 78), filed June 18, 1969. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from the plantsite of Colorado Lien Co., approximately 19 miles north of Fort Collins, Colo., on U.S. Highway 287, to points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver County, Okla. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111812 (Sub-No. 384), filed June 23, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: R. H. Jinks (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except those commodities in bulk and hides), from the plantsite and/or warehouse facilities of Swift & Co. at or near Glenwood, Iowa, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Ohio, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, restricted to traffic originating at the plantsite and/or warehouse facilities of Swift & Co. and destined to the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111941 (Sub-No. 17), filed June 25, 1969. Applicant: PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, Ind. 46943. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, from Midland, Mich., to points in Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 113855 (Sub-No. 201), filed June 17, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and parts, attachments, and accessories* for street sweeping machines, from points in Minnesota to points in the United States (except Hawaii). NOTE: Applicant states that there are tacking possibilities with its present authority in Subs 2 and 84, whereas it is authorized to serve points in South Dakota, Minnesota, North Dakota, Nebraska, Iowa, Montana, Wyoming, Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, Missouri, Ohio, Pennsylvania, Utah, California, Oregon, and Washington. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114087 (Sub-No. 11), filed June 23, 1969. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Decatur, Ala. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Coal*, in bulk and *slag* in bulk, from Siglo, Tenn., to Decatur, Ala., under contract with Monsanto Co. and Columbia Slag Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 114194 (Sub-No. 153), filed June 25, 1969. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Donald D. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, and limestone products*, from Ste. Genevieve and Mosher, Mo., to points in Illinois (except Madison County) and points in Kentucky and Arkansas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 353), filed June 17, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Wellsboro, Pa., to points in Kentucky, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Mississippi, Louisiana, Oklahoma, Texas, Missouri, Kansas, Iowa, Wisconsin, Nebraska, Lower Peninsula of Michigan, Arizona, California, Oregon, and Washington. NOTE: Applicant states it does not

intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116014 (Sub-No. 46), filed June 23, 1969. Applicant: OVIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Wilmington, N.C., on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 117439 (Sub-No. 37), filed June 16, 1969. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sandblasting grit*, in bulk, and in bags or other containers, from Mobile, Ala., to points in the States of Louisiana, Mississippi, Alabama, and Florida. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Houston, Tex., or Tampa, Fla.

No. MC 117686 (Sub-No. 101), filed June 18, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or packaged animal feed*, when moving in the same vehicle and at the same time with shipments of canned goods (presently authorized), from the plantsite and/or warehouse facilities of Mavar Shrimp & Oyster Co., Ltd., at or near Biloxi, Miss., to points in Kansas, Missouri, South Dakota, Iowa, Arkansas, Minnesota, and North Dakota. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 118127 (Sub-No. 12) (Correction), filed May 28, 1969, published in FEDERAL REGISTER issue of June 26, 1969, and republished as corrected, this issue. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Blue Anchor and Garfield, N.J., Boston and Southboro, Mass., and Philadelphia, Pa., to points in Los Angeles County, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show correct number as MC 118127 (Sub-No. 12), in lieu of MC 1181127 (Sub-No. 12) as previously published.

No. MC 118290 (Sub-No. 6), filed June 2, 1969. Applicant: EDWARD F. FULLER, doing business as: EDDIE FULLER, 2180A Northwest 23d Street, Miami, Fla. 33142. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin and Capitol Streets, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between points in Dade and Broward Counties, Fla., on the one hand, and, on the other, Los Angeles basin territory and San Francisco Bay area group in California, as hereinafter described by applicant in (A) and (B) below, as follows: (A) Los Angeles basin territory: Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118 approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road; to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning; and

(B) The San Francisco Bay area group consists of the following cities or towns; Acampo, Agnew, Alameda, Albany, Alviso, Antioch, Arno, Ashland, Atherton, Auburn, Avon, Baden, Banta, Bayshore, Belmont, Benicia, Benicia Arsenal, Berkeley, Brisbane, Broderick, Burlingame, Campbell, Camp Stoneman, Castro Valley, Colfax, Colma, Concord, Cordelia, Cordero, Cowell, Coyote, Crockett, Cupertino, Daly City, Davis, Dixon, Dublin, Dupont, Edenvale, El Cerrito, Eliot, Elk Grove, El Sobrante, Emeryville, Fairfield, Florin, Fremont, French Camp, Galt, Giant, Hayward, Hedgeside, Hercules, Hillsborough, Hillsdale, Holy Cross, Lafayette, Lathrop, Livermore, Lockeford, Lodi, Lomita Park, Los Altos (Santa Clara County), Luzon, Lyoth, Mare Island, Martinez, Mather Air Force Base, McClellan Air Force Base (Planehaven), McConnell, Menlo Park, Millbrae, Milpitas, Moffett Naval Air Station, Mountain View, Mount Eden, Napa, Napa Junction, Naval Ammunition Depot (Port Chicago), Naval Weapons Station (Concord), and Newark, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Los Angeles, Calif.

No. MC 118959 (Sub-No. 45), filed June 16, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings and couplings*, from Louisiana, Mo., to points in Alabama, Arkansas, Florida, Colorado, Georgia, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Michigan, Missouri, Ohio, Kansas, Nebraska, Oklahoma, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept

a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119176 (Sub-No. 6), filed June 26, 1969. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, Post Office Box 9417, Tulsa, Okla. 74107. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in the United States; and (b) between points in (a) above, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be at Washington, D.C.

No. MC 119632 (Sub-No. 35), filed June 11, 1969. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio. Applicant's representative: V. Baker Smith, 2107 The Fidelity Buildings, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass and plastic containers (except in bulk, in tank vehicles); (1) between Brockport, N.Y., the Lower Peninsula of Michigan and Kentucky; and (2) between Clarion, Pa., and the Lower Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119657 (Sub-No. 7), filed June 16, 1969. Applicant: GEORGE TRANSIT LINE, INC., 760–764 Northeast 47th Place, Des Moines, Iowa 50313. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients;* (1) from points in Iowa, to points in Minnesota and Wisconsin; and (2) between points in Minnesota and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119741 (Sub-No. 30) (Amendment), filed May 9, 1969, published in the FEDERAL REGISTER issue of June 5, 1969, and republished as amended, this issue. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in the Omaha, Nebr.-Council Bluffs, Iowa, commercial zones, to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, New York, New Jersey, Ohio, Pennsylvania, Maryland, Rhode Island, and the District of Columbia. NOTE: The purpose of this republication is to include the additional destination States of Maryland, Rhode Island, and the District of Columbia. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123067 (Sub-No. 87), filed June 5, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and fertilizer materials*, in bulk, from Norfolk and Chesapeake, Va., to points in North Carolina; (2) *liquid and dry fertilizer and fertilizer materials*, in bulk, from Norfolk and Chesapeake, Va., to points in Delaware, Maryland, and North Carolina; and (3) *dry fertilizer and fertilizer materials and ingredients*, in bulk, from Suffolk, Va., to points in North Carolina. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 123407 (Sub-No. 54), filed June 12, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Micheal E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and conduit*, from Harvey, Ill., to points in Mississippi, Louisiana, Arkansas, Alabama, Tennessee, Georgia, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, and the Upper Peninsula of Michigan. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 55), filed June 17, 1969. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and materials, accessories, and supplies* used in the installation thereof; (a) from Alpena, Mich., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Iowa, Nebraska, Missouri, Kansas, Colorado, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Arkansas, Oklahoma, Texas, and Louisiana; and (b) from Chicago, Ill., to points in North Dakota, South Dakota, Iowa, Nebraska, Colorado, Kansas, Missouri, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, and New Mexico; and (2) *returned and rejected shipments* of (1) above and *materials, supplies, and equipment* used in the manufacture of the commodities in (1) above; (a) from points in the destination States named in (1)(a) above, to Alpena, Mich.; and (b) from points in the destination States in (1)(b) above, to Chicago, Ill. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123476 (Sub-No. 8), filed June 26, 1969. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, Mo. 63010. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products, laminated with aluminum or wood*, from the plantsite of Dow Chemical Co. at Cape Girardeau, Mo., to points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124083 (Sub-No. 39), filed June 23, 1969. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt;* (1) from points in Marion County, Ind., to points in Illinois; (2) from points in Hamilton County, Ohio, to points in Indiana; and (3) from points in St. Louis County, Mo., to points in Illinois and Indiana. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept

a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124328 (Sub-No. 36), filed June 26, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representatives: Edward K. Wheeler, 704 Southern Building, 15th and H Streets NW., Washington, D.C., and F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *American Express Co. money orders and travelers cheques* in armored vehicles with armed guards in attendance from point of pickup to point of delivery, from Rochester, N.Y., to Trenton, N.J., Atlanta, Ga., Chicago, Ill., San Francisco, Calif., Denver, Colo., and New York, N.Y., under contract with American Express Co., New York, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124402 (Sub-No. 5), filed June 26, 1969. Applicant: FLEET LINE, INC., Post Office Box 7026, 8919 Eighth Avenue, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Chattanooga, Tenn., to points in Florida, Georgia, North Carolina, and South Carolina under contract with Swift & Co. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Atlanta, Ga.

No. MC 124920 (Sub-No. 8), filed June 25, 1969. Applicant: LA BAR'S, INC., 310 Breck Street, Scranton, Pa. 18505. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, iron and steel, from Cleveland, Ohio, to Wilkes-Barre, Pa. NOTE: Applicant states it intends to tack at Wilkes-Barre and Scranton, Pa., to serve New Jersey, New York, N.Y., and points in New York within 15 miles of New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Wilkes-Barre or Harrisburg, Pa., or Washington, D.C.

No. MC 126039 (Sub-No. 12), filed June 13, 1969. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses, between Dwight, Ill., and Warsaw, Ind., and points within 5 miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Kentucky, and Illinois. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 126305 (Sub-No. 18), filed June 17, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres*, highway marking strip glass, ballotini and glass, crushed, ground, and powdered, from Apex, N.C., to points in Maryland, Virginia, Delaware, West Virginia, Alabama, South Carolina, Georgia, Florida, Tennessee, Mississippi, Louisiana, and Texas; and (2) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles), from the above-destination territory to Apex, N.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127505 (Sub-No. 26), filed June 16, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum blanks, extrusions, molding shapes, sheets, and stampings* (except in bulk), from St. Charles, Ill., to Monon and Wakarusa, Ind., and Mottville and West Branch, Mich.; (2) *steel strips*, from Mendota, Ill., to Chicago, Ill.; (3) *aluminum bombs*, empty, from Mendota, Ill., to the Naval Ammunition Depots at Bangor, Wash., and near McAlester, Okla.; and (4) *aluminum sheet*, from points in Grundy County, Ill., to Bristol, Ind. Restriction: (1), (2), (3), and (4) restricted against those articles which because of size or weight require the use of special equipment or handling. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128293 (Sub-No. 1), filed June 2, 1969. Applicant: ACTRON CORPORATION, 52 Northern Avenue, Boston, Mass. 02110. Applicant's representative: Neal Holland, 225 Franklin, St., Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, toys, and games*, between Boston, Mass., on the one hand, and, on the other, all points in Massachusetts. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129073 (Sub-No. 1), filed June 20, 1969. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, 1017 North Eighth Street, Greybull, Wyo. 82426. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and drilling mud*, between points in Big Horn County, Wyo., on the one hand, and, on the other, points in Montana and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo., or Billings, Mont.

No. MC 129350 (Sub-No. 5), filed June 23, 1969. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Billings, Mont. 59103. Applicant's representatives: Joseph F. Meglen, 207 Behner Building, 2822 Third Avenue North, Billings, Mont., and Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, timbers, poles, posts and pilings and hardboard*, from White Sulphur Springs, Mont., and points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Michigan; and (2) *canned goods and frozen vegetables*, from Fox Lake, Beaver Dam, Ripon, and Rosendale, Wis., Belvidere and Lanark, Ill., and points in Minnesota, to points in Montana. Traffic restricted to that originating at the plantsites of Green Giant Co. and destined to points in Montana. NOTE: The purpose of this application is to convert applicant's existing contract carrier permit No. MC 129264, Sub-Nos. 2 and 6, to that of a common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133240 (Sub-No. 3), filed June 11, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, between Secaucus, N.J., on the one hand, and, on the other, Toledo and Oregon, Ohio; Monroe, Woodhaven, Melvindale, Ypsilanti, Ann Arbor, Mount Clemens, Utica, and Pontiac, Mich. Restriction: The authority sought herein is restricted to a transportation service to be performed under a contract or continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133635 (Sub-No. 2), filed June 23, 1969. Applicant: MARVIN W. LEPPER, Radcliffe, Iowa 50230. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor wheels, wheel rims, and related mounting hardware, hubs, and clamps*, from Plainfield, Ill., to points in Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133694 (Sub-No. 1), filed June 18, 1969. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Carlyle C. Ring, Jr., 710 Ring Building, 1200 18th Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Household goods, electronic equipment, manufactured products, general supplies* required in business of contract shipper (except explosives), between points in Montgomery, Prince Georges, and Anne Arundel Counties, Md.; the District of Columbia; and points in Fairfax, Arlington, Prince William, and Loudoun Counties, Va., and Fairfax, Falls Church, and Alexandria, Va., under contract with International Business Machines Corp. NOTE: Applicant has a pending common carrier application under MC 128153 Sub 1. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133707 (Sub-No. 2), filed June 18, 1969. Applicant: MIDLAND RENTALS, INC., 1032 Delphinium Drive, Billings, Mont. 59102. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, novelties, novelty parts, and affiliated items;* and (2) *paper products and cartons*, between Chicago, Ill., and Milwaukee, Wis., on the one hand, and, on the other, Ashland, Mont., and points within 5 miles thereof, under contract with Guild Arts & Crafts, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133783 (Amendment), filed June 2, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished as amended this issue. Applicant: JOEL TRANSPORT, INC., 43 Chernucha Avenue, Merrick, N.Y. 11566. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between the facilities of ABC Freight Forwarding Corp., Midland Forwarding Corp., and Blue Ribbon Express, Inc., located at New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (restricted to shipments having prior movement via freight forwarder). NOTE: The purpose of this republication is to reflect a change in the scope of the application to show that radial operations are proposed. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133818, filed June 16, 1969. Applicant: CLEMANS BROTHERS, INC., Box 46, North Walnut Street, Marysville, Ohio 43040. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bus bar systems, bus bar system trolleys, electric cut outs, electric switchboards* (other than telephone), *electric switches, electric breakers, junction boxes, plastic circuit breaker bases, cable terminals, wire, and other similar electrical equipment;* (1) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, the warehouse and plant facilities of I.T.E. Imperial Corp. at Atlanta, Ga., Bellmawr, N.J., Chicago, Ill., Philadelphia, Pa., and Tucker, Ga.; (2) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, points in Ohio, restricted to shipments having a prior or subsequent movement in railroad piggy-back service; (b) *paint* in containers from Chicago, Ill., to Bellefontaine and Marysville, Ohio; (c) *insulating materials* from Lafayette, Ind., to Bellefontaine, Marysville, and Urbana, Ohio, and (d) *porcelain insulators* from Trenton, N.J., to Bellefontaine, Marysville, and Urbana, Ohio, restricted to shipments moving under a continuing contract with I.T.E. Imperial Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133831, filed June 18, 1969. Applicant: DON SWAIN WILLIAMSON, Aurora, N.C. 27806. Applicant's representative: David L. Ward, Jr., 310 Broad Street, New Bern, N.C. 28560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in shipping and packing of seafood and seafood products, from Baltimore, Md., to points in North Carolina east of U.S. Highway 17. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Bern (Craven County), Washington (Beaufort County), or Bayboro (Pamlico County), N.C.

No. MC 133832, filed June 17, 1969. Applicant: A.D.S. TRUCKING INC., 217 West Nicholai Street, Hicksville, N.Y. 11801. Applicant's representatives: Douglas Miller, 14 Gront Street, Hempstead, N.Y. 11550, and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earthenware and chinaware, advertising material, and store display racks;* (a) from the New York, N.Y., commercial zone to points in Nassau and Suffolk Counties, N.Y.; and (b) from the New York, N.Y., commercial zone and Oceanside, N.Y., to points in New Jersey and Connecticut; (2) *books, advertising material, and store display racks*, from the New York, N.Y., commercial zone to points in New Jersey and Connecticut; and (3) *returned shipments of commodities* in (1) and (2) in the opposite direction, under contract with Sperling & Schwartz, Inc., and Rockville International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133833, filed June 13, 1969. Applicant: ALVIN C. HILL, doing business as HILL TRUCKNG SERVICE, 907 North College, Post Office Box 441, Stuttgart, Ark. 72160. Applicant's representative: Art Givens, Jr., Suite 1101, Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump vehicles, between Helena and Little Rock, Ark., and points in Missouri, Tennessee, Mississippi, Louisiana, and Alabama. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Memphis, Tenn., or Dallas, Tex.

No. MC 133835, filed June 18, 1969. Applicant: INTERSTATE CARRIERS CORP., 7236 East Slausen Avenue, Los Angeles, Calif. 90022. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers and distributors of automotive parts and accessories*, from points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Rhode Island, Tennessee, Texas, Utah, and Wisconsin, to Phoenix and Tucson, Ariz.; Boise, Idaho; McMinnville, Tualatin, and Portland, Oreg.; El Paso, Tex.; Clearfield and Salt Lake City, Utah; Battleground, Chehalis, Olympia, and Seattle, Wash.; and points in California, restricted to service under a continuing contract with Motor Rim & Wheel Service of California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 133836, filed June 20, 1969. Applicant: E. H. HAMILTON TRUCKING & WAREHOUSE SERVICE, INC., 105 South Denny Street, Indianapolis, Ind. 46201. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and appliances*, from Indianapolis, Ind., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

MOTOR CARRIERS OF PASSENGERS

No. MC 29854 (Sub-No. 32), filed June 13, 1969. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between points in Secaucus, N.J., from junction County Avenue with Secaucus Road, over County Avenue to junction New County Road, thence over New County Road to its southerly terminus, and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to tack the authority here sought at junction County Avenue with Secaucus Road in Secaucus, a service point on its existing authority in Docket No. MC 29854 Sub 30. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61335 (Sub-No. 10), filed June 18, 1969. Applicant: TRANSBRIDGE LINES, INC., Post Office Box 146, Phillipsburg, N.J. 08865. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points Hunterdon County, N.J., and Monroe County, Pa., and extending to points in Alabama, Arizona, Arkansas, Idaho, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, Oklahoma, Oregon, South Dakota, Tennessee, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 133804, filed June 9, 1969. Applicant: VIRGINIA COACH, INC., 1919 Hileman Road, Falls Church, Va. 22403. Applicant's representative: E. Stephen Heisley, Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *Passengers and their baggage* when moving therewith (1) between Gainsville, Va., on the one hand, and, on the other the facilities of the National Security Agency at or near Fort Meade, Md., and Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md.; from Gainsville, Va., along U.S. Highway 29 to junction Interstate Highway 66, thence along Interstate Highway 66 to junction Virginia Highway 123; thence along Virginia Highway 123 to junction U.S. Highway 29; thence along U.S. Highway 29 to Fairfax, Va.; thence along U.S. Highway 29 to Fairfax, Va.; thence along U.S. Highway 29 to junction Virginia Highway 123; thence along Virginia Highway 123 to junction Interstate Highway 66; thence along Interstate Highway 66 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction U.S. Highway 7; thence along U.S. Highway 7 to Tysons Corner, Va.; thence along U.S. Highway 7 to junction Virginia Highway 123; thence along Virginia Highway 123 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway (a) to junction Maryland Highway 32, thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.;

(b) To junction Maryland Highway 32, thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md., thence west of Maryland Highway 32 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency, at or near Friendship Airport, Anne Arundel County, Md.; and (c) to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., and return over the same routes, serving the intermediate points of Fairfax and Tysons Corner, Va.; (2) between Tysons Corner, Va., on the one hand, and, on the other, the facilities of National Security Agency, at or near Fort Meade, Md., and the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md.; from Tysons Corner, Va., along U.S. Highway 7 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Braddock Road, thence along Braddock Road to intersection Port Royal Road; thence along Braddock Road to intersection Interstate Highway 495; thence along Interstate Highway 495 to intersection Telegraph Road; thence along Telegraph Road to intersection with Franconia Road, thence along Telegraph Road to intersection Interstate Highway 495; thence along Interstate Highway 495 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway (a) to junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.;

(b) To junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.; thence along Maryland Highway 32 to junction with the Baltimore Washington Parkway; thence along the Baltimore Washington Parkway to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md.; and (c) to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency, at or near Friendship Airport, Anne Arundel County, Md., and return over the same routes with the right to pickup and discharge passengers at the intermediate points of the junction of Telegraph Road and Franconia Road; and the junction of Braddock Road and Port Royal Road; (3) between Tysons Corner, Va., on the one hand, and, on the other, the facilities of National Security Agency at or near Fort Meade, Md., and the Friendship Airport, Anne Arundel County, Md.; from Tysons Corner, Va., along U.S. Highway 7 to Falls Church, Va.; thence along U.S. Highway 7 to junction U.S. Highway 50 (Seven Corners, Va.); thence along U.S. Highway 50 to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Telegraph Road; thence along Telegraph Road to junction Franconia Road; thence along Telegraph Road to junction Interstate Highway 495; thence along Interstate Highway 495 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway (a) to junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.;

(b) To junction Maryland Highway 32; thence along Maryland Highway 32 to the facilities of National Security Agency at or near Fort Meade, Md.; thence along Maryland Highway 32 to junction Baltimore Washington Parkway; thence along the Baltimore Washington Parkway to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md.; and (c) to junction Maryland Highway 46; thence along Maryland Highway 46 to junction Maryland Highway 170; thence along Maryland Highway 170 to junction Elkridge Landing Road; thence along Elkridge Landing Road to the Friendship Annex of National Security Agency at or near Friendship Airport, Anne Arundel County, Md., and return over these same routes with the right to pickup and discharge passengers at the intermediate points of Falls Church, Va., Seven Corners, Va. (junction of U.S. Highways 7 and 50), and the junction of Telegraph Road and Franconia Road). NOTE: If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133837, filed June 20, 1969. Applicant: JOHN L. HOLDEN, doing business as THE KEE-WAY-DIN SKI CLUB, 7930 Indian Hill Road, Village of Indian Hill, Ohio 45253. Applicant's representative: John L. Holden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, including skis, personal belongings, and camping gear, in charter operations, beginning and ending at Indian Hill, Ohio, and extending to points in Michigan, Pennsylvania, New York, North Carolina, Illinois, Wisconsin, and Colorado, under contract with Camping and Education Foundation. NOTE: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 133857, filed June 24, 1969. Applicant: GEORGE E. AINEY, Rural Delivery 5, Montrose, Pa. 18801. Applicant's representatives: James K. Peck and James K. Peck, Jr., 912 Northeastern National Bank Building, Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, beginning and ending at Montrose, Pa., and extending to points in Pennsylvania and New York (except New York, N.Y.), under contract with Montrose United Fire Co. If a hearing is deemed necessary, applicant requests it be held at Montrose, Pa., or Scranton, Pa.

APPLICATION OF FREIGHT FORWARDERS

No. MC FF-378 ENGEL STORAGE CORPORATION Freight Forwarder Application, filed June 30, 1969. Applicant: ENGEL STORAGE CORPORATION, 901 Julia Street, Elizabeth, N.J. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought under section 410, part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of *household goods, unaccompanied baggage, and unaccompanied automobiles*, between points in the United States, including Alaska and Hawaii.

APPPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 115841 (Sub-No. 356), filed June 25, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001, and C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites of, or facilities utilized by Pet Inc., at or near Chambersburg and Allentown, Pa., to points in Missouri, Iowa, Oklahoma, Texas, and points in Kansas and Nebraska on and east of U.S. Highway 81. Restriction: The above authority is restricted to traffic originating at or destined to the above-specified origins and destinations. NOTE: Applicant states that the purpose of this application is primarily to eliminate the necessity of observing gateways at Nashville, Tenn., and/or points in Tennessee west of the Tennessee River, as presently authorized in applicant's certificates.

No. MC 117392 (Sub-No. 10), filed June 27, 1969. Applicant: FRANK W. EDMANDS, INC., 16 Hamilton Street, Saugus, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump and conveyor vehicles, from Bow, N.H., to points in Massachusetts. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

No. MC 124328 (Sub-No. 35), filed June 23, 1969. Applicant: BRINKS'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Boston, Mass., on the one hand, and, on the other, points in Vermont. NOTE: Common control and dual operations may be involved.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8359; Filed, July 16, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 14, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41690—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A6114), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, as described in the application, from Saltville, Va., to Mineral Wells, Miss. Grounds for relief—Market competition.

Tariff—Supplement 146 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-8429; Filed, July 16, 1969; 8:47 a.m.]

[Notice 868]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16502 (Sub-No. 13 TA), filed July 3, 1969. Applicant: ROBINSON TRUCK LINES, West Main Street, West Point, Miss. 39773. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Scooba, Miss., and Electric Mills, Miss., serving all intermediate points, from Scooba, Miss., to Electric Mills, Miss., over U.S. Highway 45, and return over the same route, for 180 days. NOTE: The above authority will be joined with and used in conjunction with applicant's present authority extending between Memphis, Tenn., on the one hand, and, on the other, various points in Mississippi, including Scooba, Miss. Supporting shipper: Midland Manufacturing Co., Inc., Electric Mills, Miss. 39329. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 27754 (Sub-No. 13 TA), filed July 8, 1969. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt*

beverages, from Monroe, Wis., to Minneapolis-St. Paul, Rochester, and Medford, Minn., and Fargo, N. Dak., and return movement of *empty malt beverage containers*, from Minneapolis-St. Paul, Rochester and Medford, Minn., and Fargo, N. Dak., to Monroe, Wis., for 180 days. Supporting shipper: Joseph Huber Brewing Co., Monroe, Wis. 53566. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 76492 (Sub-No. 2 TA), filed July 8, 1969. Applicant: BEE'S VAN & STORAGE, INC., Post Office Box 321, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Luis Obispo and Santa Barbara Counties, Calif., for 180 days. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, Calif. 90744; Getz Bros. & Co., Post Office Box 2230, Wilmington, Calif. 90744. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 83217 (Sub-No. 43 TA), filed July 2, 1969. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts, plantains, and pineapples*, from Wilmington, Del., to points in Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Samuel Gordon, Vice President, Post Office Box 1940, Miami, Fla. 33101. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 92806 (Sub-No. 29 TA), filed July 8, 1969. Applicant: MILES & SONS TRUCKING SERVICE, Post Office Box 430, Mountain View, Calif. 94042. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ash, fly*, in bulk, in pneumatic equipment, from South Dos Palos, Calif., to points in Merced and Fresno Counties, Calif., for 150 days. Supporting shipper: Carl W. Olson & Sons Co., 222 East Fifth Avenue, San Mateo, Calif. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 111812 (Sub-No. 385 TA), filed July 8, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elk Grove Village, Ill., to points in Idaho, Montana, Oregon, Washington, North Dakota, and South Dakota, for 180 days. Supporting shippers: Continental Coffee Co., 2550 North Clybourn, Chicago, Ill.; Glen Tobin, Distribution Manager; Rossi Quality Foods, Inc., 261 North King Street, Elk Grove Village, Ill.; W. George Whaley, General Sales Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119406 (Sub-No. 2 TA), filed July 8, 1969. Applicant: ROBERT J. GRALL, 1402 Hamann Road, Manitowoc, Wis. 54220. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Kossuth Township, Manitowoc County, Wis., to points in Indiana, Illinois, Missouri, Iowa, Minnesota, and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Rockwell Lime Co., Manitowoc, Wis. 54220 (Joseph G. Brisch, Secretary). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 390 TA), filed July 8, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from the West Penn Power Co., Mitchell Station, Courtney, Pa., to points in Morris County, N.J., for 180 days. Supporting shipper: Dayton Fly Ash Co., Inc., 2101 Dryden Road, Dayton, Ohio 45439 (Barton A. Thomas, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 133819 (Sub-No. 1 TA), filed July 2, 1969. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Crossett, Ark. 71635. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, between points in Arkansas on and south of a line beginning at the Arkansas/Texas border, thence along U.S. Highway 82 to the Arkansas/Mississippi border, on the one hand, and, on the other, points in Louisiana on or north of a line beginning at the Louisiana/Mississippi border, thence along U.S. Highway 84 to Archie, La.; thence along Louisiana Highway 28 to Alexandria, La.; thence along Louisiana Highway 1 to the junction of U.S. Highway 84; thence along U.S. Highway 84 to the Louisiana/Texas border, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 520, Crossett, Ark. 71635. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 133863 (Sub-No. 1 TA), filed July 8, 1969. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, N.Y. 10301. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except building materials), in containers or trailers, having a prior or subsequent movement by water in interstate or foreign commerce, between points within the New York commercial zone as defined by the Commission, for 150 days. Supporting shippers: Grace Line Inc., 3 Hanover Square, New York, N.Y. 10004; American Export Isbrandtsen Lines Inc., 26 Broadway, New York, N.Y. 10004. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133865 TA, filed July 8, 1969. Applicant: HUBBARD VAN AND STORAGE COMPANY, Post Office Box 743, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Monterey, San Luis Obispo and Santa Barbara Counties, Calif., for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502; Higa Fast Pac, Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; International Export Packers, 5360 Wheeler Avenue, Alexandria, Va. 22304. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-8430; Filed, July 16, 1969; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 58, Amdt. 1]

SOUTHERN RAILWAY CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 58, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 58 be, and it is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., July 27, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 13, 1969, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 11, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-8431; Filed, July 16, 1969; 8:48 a.m.]

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